

EPC COMMISSION MINUTES & AGENDA

MONTH March

YEAR 1993

RECORD COPY EPC Meeting
File Name ADM-1-1-1 March 1993
Senders Initials JY

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

MARCH 15, 1993

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, March 15, 1993 in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

William Ehm
Richard Hartsuck, Chairperson
Rozanne King
Charlotte Mohr
Margaret Prah
Gary Priebe
Nancylee Siebenmann
Clark Yeager

MEMBERS ABSENT

Verlon Britt

Commissioner Britt phoned several weeks ago to say he would not be able to attend the meeting as he has another commitment today.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Dell Oil Contested Case - 1:30 p.m.

Motion was made by Margaret Prah to approve the agenda as amended. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Charlotte Mohr to approve the meeting minutes of February 15, 1993, as presented. Seconded by Margaret Prah.

Nancylee Siebenmann stated that on pages 66 and 69 of the minutes there are two bills listed that the Commission voted not to support. One of the bills is the Bottle Bill Expansion and the other deals with eliminating the 10-year moratorium on wastewater facilities.

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Director Wilson stated that he explained to the legislative committees when he presented the department's legislative package that those bills were not supported by the Commission but were supported by the department. He added that it was made very clear to them that these were not Commission supported bills. He related that the Natural Resource Commission also had some bills which were supported by the department but not the Commission.

Margaret Pahl suggested that the boxed bills (DNR bills) include a notation that they are not a Commission supported bill. She also requested that when the department present bills that are not supported by the Commission it should be explained why the Commission does not support them.

Motion was made by Margaret Pahl to amend the motion by adding a requirement that the bills not supported by the Commission be noted in the box that they are staff supported only and not supported by the Commission. Seconded by Gary Priebe. Motion carried unanimously.

Vote on the original motion, as amended, carried unanimously

APPROVED AS AMENDED

DIRECTOR'S REPORT

Larry Wilson, Director, reported that Ralph Newman will address the Commission at 11:00 a.m. and he distributed a summary of the problems involved along with a historical presentation of the case. He noted that it involves a continuing source of disagreement between two parties for a number of years.

Mr. Wilson distributed a copy of a letter written by Don Etler regarding Water Quality Standards-Phase V Use Designations and related that he felt there was a lot of misinformation in that letter. He also provided copies of the department's response to Mr. Etler's letter.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached are the division level expenditure status reports as of February 28, 1993.

(Reports are shown on the following three pages)

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IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 02/28/93

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	TOTAL EXPENDITURES 02/01/93 - 02/28/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR'S OFFICE					
101 PERSONAL SERVICES	73,080.39	646,498.43	680,675.00	34,176.06-	1,021,017.00
202 IN-STATE TRAVEL	1,530.70	18,075.48	35,430.00	17,355.00-	53,150.00
203 STATE VEHICLE OPERATION	911.04	3,834.64	5,287.00	1,453.00-	7,931.00
204 STATE VEHICLE DEPRECIATIO	655.00	5,240.00	8,299.00	3,059.00-	12,450.00
205 OUT-STATE TRAVEL	1,355.83	5,334.63	5,665.00	330.00-	8,500.00
301 OFFICE SUPPLIES	2,326.44	61,453.70	56,031.00	5,422.00	84,050.00
302 FACILITY MAINTENANCE SUPP	0.00	187.21	1,332.00	1,174.00-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	308.57	2,050.52	4,586.00	2,508.00-	6,850.00
308 OTHER SUPPLIES	2,410.55	19,442.51	43,351.00	23,908.00-	65,030.00
309 PRINTING & BINDING	4,767.10	121,723.59	175,993.00	54,169.00-	263,843.00
312 UNIFORMS & RELATED ITEMS	235.86	235.86	0.00	235.86-	0.00
401 COMMUNICATIONS	1,511.84	10,366.95	19,466.00	9,101.00-	29,200.00
402 RENTALS	0.00	205.00	333.00	128.00-	500.00
403 UTILITIES	18.48	92.36	500.00	408.00-	750.00
406 PROF & SCIENTIFIC SERVICE	150.00	8,411.48	32,132.00	23,721.00-	48,200.00
408 OUTSIDE SERVICES	1,557.58	11,239.46	19,335.00	8,095.00-	23,000.00
410 DATA PROCESSING	901.99	4,057.09	8,966.00	4,908.00-	13,450.00
414 REIMBURSEMENTS TO OTHER A	197.84	757.14	150.00	606.00-	225.00
501 EQUIPMENT	3,124.56	10,032.37	9,598.00	435.00	14,400.00
621 BACK PAY INTEREST	0.00	358.37	0.00	358.00	0.00
DIVISION TOTAL	95,063.59	929,574.81	1,103,007.00	173,436.00-	1,654,546.00

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	TOTAL EXPENDITURES 02/01/93 - 02/28/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	273,700.36	2,531,634.79	2,711,987.00	180,353.00-	4,067,986.00
202 IN-STATE TRAVEL	1,710.76	19,235.28	33,454.00	14,229.00-	50,200.00
203 STATE VEHICLE OPERATION	3,007.28	32,782.42	40,333.00	7,551.00-	60,500.00
204 STATE VEHICLE DEPRECIATIO	6,005.00	47,535.00	49,466.00	1,931.00-	74,200.00
205 OUT-STATE TRAVEL	89.75	1,451.07	666.00	785.00	1,000.00
301 OFFICE SUPPLIES	13,373.79	196,507.33	214,730.00	18,222.00	322,100.00
302 FACILITY MAINTENANCE SUPP	0.00	8,176.55	20,666.00	12,490.00-	31,000.00
303 EQUIPMENT MAINTENANCE SUP	3,524.68	31,626.70	32,331.00	705.00-	48,500.00
308 OTHER SUPPLIES	392.30	9,486.96	9,131.00	355.00	13,700.00
309 PRINTING & BINDING	1,569.86	10,483.91	8,997.00	1,488.00	2,000.00
312 UNIFORMS & RELATED ITEMS	0.00	104.49	1,333.00	1,229.00-	93,100.00
401 COMMUNICATIONS	6,232.40	39,640.35	62,066.00	22,423.00-	29,000.00
406 OUTSIDE SERVICES	1,038.76	5,141.24	26,264.00	21,122.00-	53,620.00
410 DATA PROCESSING	1,766.15	12,844.54	27,685.00	14,840.00-	56,580.00
412 AUDITOR OF STATE REIMBURS	0.00	43,411.27	100,000.00	56,589.00-	117,500.00
414 REIMBURSEMENTS TO OTHER A	1,210.88	78,762.51	27,685.00	51,077.00-	150,000.00
501 EQUIPMENT	12,180.42	70,962.54	136,998.00	66,035.00-	41,500.00
602 OTHER EXPENSES & OBLIGATI	0.00	53.24	0.00	53.00	205,500.00
621 BACK PAY INTEREST	0.00	2,177.53	0.00	2,178.00	0.00
DIVISION TOTAL	325,902.41	3,294,457.72	3,547,782.00	293,304.00-	5,321,688.00

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	TOTAL EXPENDITURES 02/01/93 - 02/28/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	329,576.83	3,636,477.80	3,798,109.00	161,631.00-	5,697,187.00
202 IN-STATE TRAVEL	1,635.51	21,153.10	46,162.00	25,009.00-	69,250.00
203 STATE VEHICLE OPERATION	11,884.24	137,770.30	133,511.00	4,260.00	200,270.00
204 STATE VEHICLE DEPRECIATIO	24,080.00	195,415.00	191,599.00	3,816.00	287,400.00
205 OUT-STATE TRAVEL	475.00	2,225.10	5,233.00	3,007.00-	7,850.00
301 OFFICE SUPPLIES	2,650.28	20,998.83	30,463.00	9,464.00	45,700.00
302 FACILITY MAINTENANCE SUPP	19,507.03	298,330.89	306,863.00	8,532.00-	450,300.00
303 EQUIPMENT MAINTENANCE SUP	12,318.36	167,368.80	193,831.00	26,461.00-	290,730.00
307 AG. CONSERVATION & HORT S	214.00	3,838.71	14,333.00	10,494.00-	21,500.00
308 OTHER SUPPLIES	4,029.63	31,405.42	28,459.00	2,947.00	42,694.00
309 PRINTING & BINDING	874.60	11,200.75	22,998.00	11,797.00-	34,500.00
312 UNIFORMS & RELATED ITEMS	204.60	1,231.28	34,399.00	33,167.00-	51,862.00
401 COMMUNICATIONS	5,745.89	49,090.14	69,999.00	20,910.00-	105,002.00
402 RENTALS	229.25	21,329.36	19,900.00	1,429.00	28,854.00
403 UTILITIES	26,758.32	237,092.90	253,965.00	16,872.00-	380,951.00
406 OUTSIDE SERVICES	15.00	8,799.30	26,999.00	18,200.00-	40,500.00
408 ADVERTISING & PUBLICITY	8,503.60	114,022.58	123,566.00	9,544.00-	185,352.00
410 DATA PROCESSING	212.59	885.16	1,366.00	481.00-	2,050.00
414 REIMBURSEMENTS TO OTHER A	362.54	1,560.14	6,665.00	5,104.00-	10,000.00
501 EQUIPMENT	185.88	1,379.77	749.00	630.00	1,125.00
602 OTHER EXPENSES & OBLIGATI	11,221.05	114,439.07	85,331.00	29,108.00	128,000.00
621 BACK PAY INTEREST	0.00	2,456.65	1,333.00	1,124.00	2,000.00
701 LICENSES	0.00	365.53	0.00	364.00	0.00
DIVISION TOTAL	460,704.20	5,078,961.58	5,396,097.00	317,133.00-	8,094,211.00

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	TOTAL EXPENDITURES 02/01/93 - 02/28/93	TOTAL EXPENDITURES FY-YO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FORESTRY DIVISION					
101 PERSONAL SERVICES	131,321.51	1,130,550.95	1,289,651.00	159,100.00-	1,934,480.00
202 IN-STATE TRAVEL	2,756.49	23,496.61	26,662.00	3,167.00-	40,000.00
203 STATE VEHICLE OPERATION	7,131.80	54,289.78	56,997.00	2,706.00-	85,500.00
204 STATE VEHICLE DEPRECIATIO	11,070.00	88,560.00	96,078.00	7,518.00-	144,120.00
205 OUT-STATE TRAVEL	160.70	1,471.93	3,332.00	1,860.00-	5,000.00
301 OFFICE SUPPLIES	812.45	11,562.85	14,865.00	3,303.00-	22,300.00
302 FACILITY MAINTENANCE SUPP	2,770.21	24,544.13	25,997.00	1,452.00-	39,000.00
303 EQUIPMENT MAINTENANCE SUP	2,385.90	26,810.73	38,598.00	12,186.00-	58,500.00
304 PROF. & SCIENTIFIC SUPPL	486.30	486.30	0.00	486.00	0.00
307 AG., CONSERVATION & HORT S	1,070.00	88,346.91	59,147.00	29,200.00-	88,723.00
308 OTHER SUPPLIES	1,894.98	6,796.32	32,331.00	25,534.00-	48,500.00
309 PRINTING & BINDING	352.40	4,098.25	10,399.00	6,301.00-	15,600.00
312 UNIFORMS & RELATED ITEMS	0.00	1,098.97	5,565.00-	6,301.00-	10,000.00
401 COMMUNICATIONS	2,474.91	17,816.20	24,666.00	5,565.00-	39,400.00
402 RENTALS	94.50	12,048.24	21,198.00	5,065.00-	37,000.00
403 UTILITIES	3,591.05	16,132.89	0.00	3,121.00-	31,600.00
405 PROF. & SCIENTIFIC SERVICE	0.00	3,120.75	27,666.00	5,679.00	41,500.00
406 OUTSIDE SERVICES	2,900.95	33,345.59	666.00	244.00	1,000.00
408 ADVERTISING & PUBLICITY	101.82	910.79	1,065.00	194.00-	1,600.00
410 DATA PROCESSING	214.22	870.05	0.00	70.00	300.00
414 REIMBURSEMENTS TO OTHER A	0.00	270.00	200.00	27,074.00-	80,719.00
501 EQUIPMENT	1,827.74	26,735.68	53,810.00	389.00	0.00
621 BACK PAY INTEREST	0.00	389.00	0.00		
DIVISION TOTAL	173,517.93	1,573,754.02	1,816,656.00	242,404.00-	2,725,042.00

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	TOTAL EXPENDITURES 02/01/93 - 02/28/93	TOTAL EXPENDITURES FY-YO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	177,055.41	1,573,340.52	1,636,753.00	63,412.00-	2,455,144.00
202 IN-STATE TRAVEL	1,749.78	15,485.94	25,417.00	9,930.00-	38,139.00
203 STATE VEHICLE OPERATION	1,256.51	13,322.12	15,765.00	2,442.00-	23,650.00
204 STATE VEHICLE DEPRECIATIO	2,195.00	19,520.00	22,380.00	2,860.00-	33,570.00
205 OUT-STATE TRAVEL	2,285.68	12,621.40	15,595.00	2,973.00-	23,400.00
301 OFFICE SUPPLIES	802.94	15,453.19	9,824.00	5,529.00	14,899.00
302 FACILITY MAINTENANCE SUPP	0.00	90.23	566.00	476.00-	850.00
303 EQUIPMENT MAINTENANCE SUP	221.25	6,484.63	11,432.00	4,948.00-	17,150.00
304 PROF. & SCIENTIFIC SUPPL	55.70	321.10	799.00	479.00-	1,200.00
308 OTHER SUPPLIES	4,209.70	24,776.59	24,835.00	58.00-	37,259.00
309 PRINTING & BINDING	1,237.70	7,086.32	29,128.00	22,030.00-	43,700.00
401 COMMUNICATIONS	2,645.32	19,795.16	22,497.00	2,701.00-	33,750.00
402 RENTALS	0.00	1,300.00	1,600.00	300.00-	2,400.00
403 UTILITIES	2,615.66	10,422.26	8,479.00	1,943.00-	12,720.00
405 PROF. & SCIENTIFIC SERVICE	37,058.48	308,035.16	554,181.00	246,145.00-	831,276.00
406 OUTSIDE SERVICES	2,144.86	12,112.01	13,287.00	1,178.00-	19,345.00
410 DATA PROCESSING	1,341.55	7,320.87	11,064.00	3,742.00-	16,800.00
414 REIMBURSEMENTS TO OTHER A	1,890.81	3,389.43	3,246.00	557.00-	5,920.00
501 EQUIPMENT	522.36	17,097.63	22,530.00	5,234.00-	33,800.00
621 BACK PAY INTEREST	0.00	481.77	0.00	483.00	0.00
DIVISION TOTAL	239,288.71	2,088,486.33	2,430,178.00	341,710.00-	3,645,372.00

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	TOTAL EXPENDITURES 02/01/93 - 02/28/93	TOTAL EXPENDITURES FY-YO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	561,153.15	4,667,518.33	5,087,894.00	420,176.00-	7,631,563.00
202 IN-STATE TRAVEL	3,898.78	29,644.19	76,474.00	46,828.00-	114,720.00
203 STATE VEHICLE OPERATION	3,146.47	27,652.21	37,666.00	10,014.00-	55,500.00
204 STATE VEHICLE DEPRECIATIO	5,105.00	40,840.00	43,333.00	2,493.00-	65,000.00
205 OUT-STATE TRAVEL	5,728.69	21,444.38	70,327.00	48,883.00-	105,500.00
301 OFFICE SUPPLIES	6,572.14	43,905.15	45,189.00	1,284.00-	67,800.00
302 FACILITY MAINTENANCE SUPP	0.00	11,290.59	1,399.00	9,892.00	2,100.00
303 EQUIPMENT MAINTENANCE SUP	1,150.34	4,310.74	5,597.00	1,285.00-	8,400.00
308 OTHER SUPPLIES	1,359.86	15,750.58	24,394.00	8,145.00-	37,350.00
309 PRINTING & BINDING	903.65	44,158.90	39,484.00	4,676.00-	59,240.00
312 UNIFORMS & RELATED ITEMS	132.88	637.45	1,332.00	694.00-	2,000.00
401 COMMUNICATIONS	9,375.65	75,003.95	91,885.00	16,881.00-	137,830.00
402 RENTALS	6,485.36	32,982.93	40,200.00	7,217.00-	60,300.00
403 UTILITIES	2,369.50	9,870.04	11,762.00	1,892.00-	17,845.00
405 PROF. & SCIENTIFIC SERVICE	186,611.12	545,426.64	1,295,259.00	749,832.00-	1,942,895.00
406 OUTSIDE SERVICES	4,702.82	43,855.85	57,441.00	13,584.00-	86,170.00
408 ADVERTISING & PUBLICITY	269.56	1,819.55	7,265.00	5,444.00-	10,800.00
410 DATA PROCESSING	15,813.64	69,345.71	115,766.00	46,422.00-	173,880.00
414 REIMBURSEMENTS TO OTHER A	4,805.48	11,893.92	16,380.00	4,485.00-	24,580.00
501 EQUIPMENT	20,487.16	269,976.12	172,052.00	97,923.00-	258,087.00
602 OTHER EXPENSES & OBLIGATI	0.00	26.14	0.00	26.00	0.00
621 BACK PAY INTEREST	0.00	697.29	0.00	698.00	0.00
DIVISION TOTAL	840,651.45	5,968,050.66	7,241,399.00	1,273,344.00-	10,862,246.00

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	TOTAL EXPENDITURES 02/01/93 - 02/28/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	881,657.62	8,093,272.54	8,257,902.00	164,630.00-	12,386,876.00
202 IN-STATE TRAVEL	23,555.28	190,674.42	210,231.00	19,558.00-	315,262.00
203 STATE VEHICLE OPERATION	42,592.98	331,505.16	304,706.00	26,800.00	457,079.00
204 STATE VEHICLE DEPRECIATIO	56,435.00	480,940.00	487,583.00	26,643.00-	721,587.00
301 OFFICE SUPPLIES	1,885.16	18,255.80	19,332.00	1,074.00-	29,000.00
302 FACILITY MAINTENANCE SUPP	16,158.12	228,874.07	137,205.00	91,670.00	205,820.00
303 EQUIPMENT MAINTENANCE SUP	14,364.31	151,527.57	210,270.00	58,746.00-	315,424.00
307 AG. CONSERVATION & MORT S	18,354.49	211,671.70	229,001.00	17,328.00-	343,527.00
308 OTHER SUPPLIES	5,883.57	119,144.09	210,570.00	91,426.00-	315,870.00
309 PRINTING & BINDING	5,021.62	76,761.74	54,509.00	22,255.00	81,763.00
312 UNIFORMS & RELATED ITEMS	13,789.85	78,763.12	84,467.00	5,703.00-	126,706.00
401 COMMUNICATIONS	4,523.25	29,637.28	79,086.00	49,451.00-	118,646.00
402 RENTALS	14,840.06	114,052.83	119,194.00	5,141.00-	178,805.00
403 UTILITIES	137.50	30,801.25	32,369.00	1,567.00-	48,592.00
405 PROF & SCIENTIFIC SERVICE	19,515.07	124,078.57	146,904.00	22,822.00-	220,370.00
406 OUTSIDE SERVICES	8,014.00	76,199.74	73,332.00	2,868.00	110,000.00
408 ADVERTISING & PUBLICITY	7,562.39	81,370.10	87,644.00	6,274.00-	131,480.00
410 DATA PROCESSING	571.00	1,070.60	1,732.00	661.00-	2,600.00
414 REIMBURSEMENTS TO OTHER A	1,538.10	43,085.04	27,465.00	15,620.00	41,208.00
501 EQUIPMENT	11,019.02	25,268.54	103,631.00	78,363.00-	155,450.00
602 OTHER EXPENSES & OBLIGATI	94,811.62	331,775.34	216,420.00	115,355.00	324,648.00
621 BACK PAY INTEREST	199.00	1,301.25	137,066.00	135,765.00-	205,600.00
701 LICENSES	0.00	5,155.68	0.00	5,156.00	0.00
	0.00	100.00	200.00	100.00-	300.00
DIVISION TOTAL	1,242,438.81	10,825,286.23	11,230,639.00	405,546.00-	16,846,525.00

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IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 02/28/93

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	TOTAL EXPENDITURES 02/01/93 - 02/28/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	51,022.04	410,104.79	484,410.00	74,305.00-	726,618.00
202 IN-STATE TRAVEL	921.03	13,186.22	21,064.00	7,878.00-	31,600.00
205 OUT-STATE TRAVEL	240.00	8,968.62	13,798.00	6,829.00-	20,700.00
301 OFFICE SUPPLIES	533.45	1,305.75	4,939.00	3,634.00-	7,410.00
302 FACILITY MAINTENANCE SUPP	0.00	752.34	180.00	573.00	270.00
303 EQUIPMENT MAINTENANCE SUP	73.75	147.50	0.00	148.00	0.00
308 OTHER SUPPLIES	298.24	7,746.88	10,497.00	2,751.00-	15,748.00
309 PRINTING & BINDING	846.35	15,520.38	43,331.00	27,810.00-	65,000.00
401 COMMUNICATIONS	1,127.37	14,012.35	16,434.00	2,421.00-	24,656.00
405 PROF & SCIENTIFIC SERVICE	18,666.89	111,989.21	119,288.00	7,299.00-	178,907.00
406 OUTSIDE SERVICES	45.96	9,256.70	2,989.00	6,268.00	4,485.00
410 DATA PROCESSING	479.26	1,938.51	4,966.00	2,947.00-	7,480.00
414 REIMBURSEMENTS TO OTHER A	461.16	7,136.27	12,100.00	4,963.00-	18,150.00
501 EQUIPMENT	3,416.86-	25,276.39	23,072.00	2,204.00	34,610.00
621 BACK PAY INTEREST	0.00	75.42	0.00	76.00	0.00
DIVISION TOTAL	71,298.64	625,417.95	757,069.00	131,546.00-	1,135,634.00

Mr. Kuhn stated that information on the final appropriations bill should be available next month.

INFORMATIONAL ONLY

SECTION 319 CONTRACTS APPROVAL

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Commission approval is requested for two contracts which will provide EPA Section 319 funding for nonpoint source (NPS) pollution control projects.

- Division of Soil Conservation, Department of Agriculture and Land Stewardship, Pine Creek (Upper and Lower Pine Lakes) Water Quality Project - The contract will

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provide Section 319 funding for the Pine Creek Water Quality Project which will reduce the movement of sediment, nutrients and other agricultural pollutants into Upper and Lower Pine Lakes. The funds provided will be used to support financial incentives for installation/implementation of best management practices in the Pine Creek watershed in Hardin and Grundy Counties and will provide salary and benefits of a project coordinator as well as funding for a public information and education program. Upper and Lower Pine Lakes are part of the Pine Lake State Park and the Department recently completed the rehabilitation of the Upper and Lower dams. In addition, Section 314 Clean Lakes Program funds have been used to model the basin to determine the land areas most in need of best management practices. Funds provided will target the areas where critical needs exist. The contract will provide \$50,500 in EPA Section 319 funds for the period of March 1 through October 31, 1993. The Pine Creek Water Quality Project as proposed is a three year effort and additional 319 funding will be provided in successive years.

- **U.S. Geological Survey, Monitoring of Water Quality in Corydon Reservoir** - Section 319 funds will be used to support water quality monitoring in the Corydon Reservoir which is used as a source of water supply for the city of Corydon. The purpose of the monitoring is to document improvement in water quality due to the implementation/installation of best management practices in the lake watershed. The Corydon Reservoir has been identified as having high levels of agricultural pesticides and nutrients and a high rate of sedimentation. The best management practices are being installed or implemented with the assistance of ASCS water quality funds and will reduce the movement of sediment, nutrients and agricultural chemicals into the reservoir. Water quality parameters monitored will include nutrients, selected pesticides, solids, and dissolved oxygen as well as various other physical parameters such as pH and temperature.

The contract will provide \$35,000 in Section 319 funding for the initial period of April 1, 1993 through October 30, 1993. It is anticipated the monitoring period will extend two years beyond the BMP implementation/installation period.

Mr. Kuhn noted that the first project is for year one of a three year project. He presented details of each project.

Motion was made by Margaret Prah! to approve Section 319 Contracts for the Pine Creek Water Quality Project and Water Quality Monitoring in Corydon Reservoir as presented. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

TOXIC CLEANUP DAYS CONTRACTS

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The commission authorized the Director to implement a contract with Laidlaw Environmental Services for the purpose of disposal of wastes collected at toxic cleanup days for the fiscal year 1993.

The original contract allowed a maximum of \$381,000 to sponsor toxic cleanup events for the fall of 1992 in twelve counties, and an additional \$300,000 for spring events in counties to be selected. The actual amount spent by the department for the fall events was \$298,823.30.

The department has requested additional proposals from Iowa counties to host spring of 1993 toxic cleanup events. The following eight counties have been selected to host the spring events: Dubuque, Jackson, Humboldt, Webster, Davis, Dickinson, Wapello and Woodbury. The DNR has negotiated a local cost share with each county.

The department recommends that contract 93-G340-01 be amended to include the eight spring toxic cleanup events at a total cost not to exceed 466,000. This amendment would allow up to an additional \$166,000 over the original \$300,000 authorized by the commission. The \$166,000 request includes \$50,000 for unseen contingencies that must be approved at the Department's discretion. The commission is requested to authorize the Director to execute this amendment for the spring 1993 toxic cleanup events.

CONTRACT AMENDMENT

This amendment covers changes in the Special Conditions of Contract 93-G340-01 between the **Iowa Department of Natural Resources and Laidlaw Environmental Services**. All parts of the Special Conditions that are not amended below and all parts of the General Conditions of this Contract shall continue to be in force throughout the Time of Performance.

1. Amend Contractor Officer to be the following:

Micheal Hunter

2. Amend Distribution Copies by adding the following:

Copy 15: Dickinson County
Copy 16: Humboldt County
Copy 17: Jackson County
Copy 18: Webster County

Copy 19: Davis County
Copy 20: Wapello County
Copy 21: Woodbury County
Copy 22: Dubuque County

3. Amend DNR Project Officers to be the following:

Caroline Gathright, Environmental Specialist
Marilyn Krogulski, Environmental Specialist
Waste Management Assistance Division

4. Amend Article I by adding:

Additional Parties to this contract are: Davis County Public Health, (hereinafter referred to as Davis County), Dickinson County Conservation Board, (hereinafter referred to as Dickinson County), City of Dubuque Solid Waste Department, (hereinafter referred to as the City of Dubuque), Humboldt County Landfill Commission, (hereinafter referred to as Humboldt County), Jackson County Solid Waste Agency, (hereinafter referred to as Jackson County), Ottumwa/Wapello County Solid Waste Commission, (hereinafter referred to as Wapello County), Webster County Board of Health, (hereinafter referred to as Webster County), and the City of Sioux City and Woodbury County, (hereinafter referred to as Woodbury County).

5. Amend Article II as follows:

Add to Section 2.3 Key Personnel for Contract the following:

Caroline Gathright, Iowa Department of Natural Resources
Micheal Hunter, Laidlaw Environmental Services
Thomas L. Clark, Ottumwa/Wapello County Solid Waste Commission
Steve Hoambrecker, Sioux City Utilities Department
Donnie Herteen, Davis County Public Health Department
Mark A. Beck, Jackson County Solid Waste Agency
John Walters, Dickinson County Conservation Board
Gary Boerner, Webster County Board of Health
Doug Wood, Humboldt County Landfill Commission
Thomas Bylund, City of Dubuque Solid Waste Department

6. Amend Article VI by adding the following:

May 1, 1993

Dubuque County
Dubuque Metrolandfill
Dubuque, IA

Jackson County
Jackson County Fairgrounds
Maquoketa, IA

May 8, 1993

Humboldt County
Humboldt County Fairgrounds
Humboldt, IA

Webster County

Webster County Fairgrounds
Fort Dodge, IA

May 15, 1993

Davis County
Rural Deposit Station
Bloomfield, IA

Dickinson County
Maintenance Building
Milford, IA

Wapello County
Ottumwa Park Shelter
Ottumwa, IA

May 22, 1993

Woodbury County
Sioux City Utilities Field Office
Sioux City, IA

7. Amend Article VIII as follows:

Change Section 8.1 Funding to read :

Davis County agrees to pay for the first \$2,000 of the cost of the service for the event in Davis County

Dickinson County agrees to pay for the first \$8,000 of the cost of the service for the event in Dickinson County.

Humboldt County agrees to pay for the first \$3,000 of the cost of the service for the event in Humboldt County.

Jackson County agrees to pay for the first \$5,000 of the cost of the service for the event in Jackson County.

Webster County agrees to pay for the first \$4,000 of the cost of the service for the event in Webster County.

Wapello County agrees to pay for the first \$10,000 of the cost of the service for the event in Wapello County.

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IDNR agrees to pay for the first \$40,000 of the cost of the service for the event in Dubuque County and Dubuque County agrees to pay the remaining cost of the Service.

IDNR agrees to pay for the first \$50,000 of the cost of the service for the event in Woodbury County and Woodbury County agrees to pay the remaining cost of the Service.

Revise Section 8.1 - N language as follows, " The Department agrees to pay for the remaining costs of the Service for the Toxic Cleanup Days held in the Spring of 1993 in the counties of Davis, Dickinson, Humboldt, Jackson, Webster, and Wapello and the initial costs of Dubuque and Woodbury counties, at a total cost not to exceed \$415,880 . The servicing of the additional Toxic Cleanup Days shall be on the same basis as set forth in the contract. The Department may also authorize the contractor to accept waste from counties other than those in the above specified events at the discretion of the department up to an additional \$50,000 for the rendering of these services. The maximum amount the Department agrees to pay at its discretion is \$465,880."

Mr. Kuhn gave a brief explanation of the contract amendments noting that staff recommends that the amount originally contracted for be increased by \$166,000 and that it include a \$50,000 contingency amount.

Motion was made by Margaret Prah! to approve the contract amendment with Laidlaw Environmental Services for Toxic Cleanup Days. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Chairperson Hartsuck announced public participation at 10:30 a.m.; no one requested to speak.

BY-PRODUCT AND WASTE SEARCH SERVICE (BAWSS) CONTRACT APPROVAL

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The By-product and Waste Search Service program is funded through the Department using solid waste tipping fees as established in Iowa Code 455B.310. This program facilitates waste exchanges from generator industries to other industries or recyclers that can use the waste material as a raw material. Applications for the grants were reviewed by representatives from the Department, the Department of Economic Development, and the Iowa Waste Reduction Center. Three projects were selected that exceed \$25,000. Approval is requested for the following projects:

- 1) Indian Hills Community College \$50,000

- 2) Kirkwood and Eastern Iowa community colleges \$56,800
- 3) Iowa Northland Regional Council of Governments (INRCOG) \$35,000

Attachments: 1) Indian Hills Scope of Work and Budget
2) Kirkwood and Eastern Iowa Scope of Work and Budget
3) INRCOG Scope of Work and Budget

BAWSS CONTRACT/INDIAN HILLS
ARTICLE VI. SCOPE OF WORK

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1 The Contractor shall provide adequate staffing, including a primary BAWSS grant administrator and other necessary personnel to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract.
- 6.2 The Contractor's activities shall include promoting the use of waste reduction, recycling and the waste exchange project to regional business and industry. These activities will include, but not be limited to, one-on-one education and interaction at business and industry sites, phone calls and other appropriate means.
- 6.3 The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or kept in storage.
- 6.4 The Contractor shall facilitate matches of materials between generators and users. This will include, but not be limited to the following: identifying hazardous and non-hazardous materials purchased and/or sent to landfills or other disposal sites by companies through on-site visits, and encouraging those companies to work with each other on possible transfer of material; and making phone calls to users, recyclers and generators of various hazardous and non-hazardous materials and encouraging them to work with each other on the possible transfer of material.
- 6.5 The Contractor shall track and document all work (see "Reports and Other Documentation" Article 8).
- 6.6 The Contractor shall emphasize waste reduction at the source to business and industry. This will include, but not be limited to one-on-one education and interaction at business and industry sites, phone calls, referrals to the IWRC and the Department's WRAP program and other appropriate means.

- 6.7 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, but not be limited to the following: identifying/communicating with business personnel who operate recycling or material collection centers or related industries; communicating with business and industry personnel with exemplary waste reduction and recycling programs and educating all interested parties about the waste exchange; and using resources explained and/or provided through training workshop.
- 6.8 The Contractor shall refer all questions about hazardous or potentially hazardous materials to the staff at the IWRC. Waste exchange Contractors are not responsible for nor should they become involved in hazardous waste determinations or related work, such as giving regulatory advice. The Contractor shall facilitate matches of hazardous materials whenever possible.
- 6.9 The Contractor shall work cooperatively with the Department, IWRC and all Contractors and other non-funded participants in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (minimum of one from each region funded through the grant) in the training workshops and meetings; participation in telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports; and quarterly progress reports to the Department (see "Reports and Other Documentation" Article VIII).
- 6.10 The Contractor shall be required to meet with/educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for waste reduction and recycling and the need for programs such as BAWSS. Assist them in understanding the goals and benefits--both environmentally and economically--of the waste exchange, including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The objective of these efforts is to secure their support for the waste exchange and, as necessary, to identify needs and accomplish diversion of materials from landfills and other disposal sites.
- 6.11 The Contractor shall be required to educate business personnel and other interested parties about the IWRC, the Department's Waste Reduction Assistance Program, as needed, other related programs..
- 6.12 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). Before referring generators of potentially hazardous materials to new markets (e.g., drum reconditioners who have never been researched by IWRC as to their handling procedures), the Contractor shall be required to contact the IWRC.
- 6.13 The Contractor shall serve fourteen counties of community college regions XV and XVI as the primary service area and limited service, primarily telephone access, shall be provided to eleven counties in community college regions IV and XI.

- 6.14 The Contractor shall conduct at least two education programs, such as workshops, for businesses being served by the project and shall have a goal of 300 industry visits for the period of this contract.

BUDGET: SOUTHEAST IOWA BY-PRODUCT AND WASTE SEARCH SERVICE

Indian Hills Community College

Salaries/Benefits: One FTE	\$41,487
Indirect Cost (@ 10% of salary/benefits)	4,149
Travel/Meetings/Workshops	3,300
Printing supplies/Trade publications	<u>1,064</u>
Total Budget	50,000

**BAWSS CONTRACT/KIRKWOOD AND EASTERN IOWA
ARTICLE VI. SCOPE OF WORK**

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1 The Contractor shall provide adequate staffing, including a primary BAWSS grant administrator and other necessary personnel to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract.
- 6.2 The Contractor's activities shall include promoting the use of waste reduction, recycling and the waste exchange project to regional business and industry. These activities will include, but not be limited to, one-on-one education and interaction at business and industry sites, phone calls and other appropriate means.
- 6.3 The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or kept in storage.
- 6.4 The Contractor shall facilitate matches of materials between generators and users. This will include, but not be limited to the following: identifying hazardous and non-hazardous materials purchased and/or sent to landfills or other disposal sites by

- companies through on-site visits, and encouraging those companies to work with each other on possible transfer of material; and making phone calls to users, recyclers and generators of various hazardous and non-hazardous materials and encouraging them to work with each other on the possible transfer of material.
- 6.5 The Contractor shall track and document all work (see "Reports and Other Documentation" Article 8).
 - 6.6 The Contractor shall emphasize waste reduction at the source to business and industry. This will include, but not be limited to one-on-one education and interaction at business and industry sites, phone calls, referrals to the IWRC and the Department's WRAP program and other appropriate means.
 - 6.7 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, but not be limited to the following: identifying/communicating with business personnel who operate recycling or material collection centers or related industries; communicating with business and industry personnel with exemplary waste reduction and recycling programs and educating all interested parties about the waste exchange; and using resources explained and/or provided through training workshop.
 - 6.8 The Contractor shall refer all questions about hazardous or potentially hazardous materials to the staff at the IWRC. Waste exchange Contractors are not responsible for nor should they become involved in hazardous waste determinations or related work, such as giving regulatory advice. The Contractor shall facilitate matches of hazardous materials whenever possible.
 - 6.9 The Contractor shall work cooperatively with the Department, IWRC and all Contractors and other non-funded participants in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (minimum of one from each region funded through the grant) in the training workshops and meetings; participation in telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports; and quarterly progress reports to the Department (see "Reports and Other Documentation" Article VIII).
 - 6.10 The Contractor shall be required to meet with/educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for waste reduction and recycling and the need for programs such as BAWSS. Assist them in understanding the goals and benefits--both environmentally and economically--of the waste exchange, including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The objective of these efforts is to secure their support for the waste exchange and, as necessary, to identify needs and accomplish diversion of materials from landfills and other disposal sites.

- 6.11 The Contractor shall be required to educate business personnel and other interested parties about the IWRC, the Department's Waste Reduction Assistance Program, as needed, other related programs..
- 6.12 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). Before referring generators of potentially hazardous materials to new markets (e.g., drum reconditioners who have never been researched by IWRC as to their handling procedures), the Contractor shall be required to contact the IWRC.
- 6.13 The primary service area shall include counties served by Kirkwood and Eastern Iowa community colleges and limited service, including phone access and selected on-site visits to industries, shall be made available to the Iowa Valley Community College region.
- 6.14 The Contractor shall conduct at least two workshops for businesses being served by the project and shall have a goal of assisting 297 businesses for the period of this contract.

BUDGET: EASTERN IOWA BY-PRODUCT AND WASTE SEARCH SERVICE

Kirkwood Community College
Eastern Iowa Community College

Salaries/Benefits: 1.13 FTEs

Kirkwood Community College	\$31,000
Eastern Iowa Community College	<u>19,350</u>
Subtotal	50,350

Travel*

Kirkwood Community College	3,550
Eastern Iowa Community College	<u>1,000</u>
Subtotal	4,550

Communications

Kirkwood Community College	300
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Training and Group Meetings

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Kirkwood Community College	<u>1,600</u>
Subtotal	1,900
Total Budget	
Kirkwood Community College	36,450
Eastern Iowa Community College	<u>20,350</u>
Total	56,800

* Travel area includes Eastern Iowa Community College District, Kirkwood Community College Region and Iowa Valley Community College District.

BAWSS CONTRACT/INRCOG
ARTICLE VI. SCOPE OF WORK

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1 The Contractor shall provide adequate staffing, including a primary BAWSS grant administrator and other necessary personnel to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract.
- 6.2 The Contractor's activities shall include promoting the use of waste reduction, recycling and the waste exchange project to regional business and industry. These activities will include, but not be limited to, one-on-one education and interaction at business and industry sites, phone calls and other appropriate means.
- 6.3 The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or kept in storage.
- 6.4 The Contractor shall facilitate matches of materials between generators and users. This will include, but not be limited to the following: identifying hazardous and non-hazardous materials purchased and/or sent to landfills or other disposal sites by companies through on-site visits, and encouraging those companies to work with each other on possible transfer of material; and making phone calls to users, recyclers and generators of various hazardous and non-hazardous materials and encouraging them to work with each other on the possible transfer of material.

- 6.5 The Contractor shall track and document all work (see "Reports and Other Documentation" Article 8).
- 6.6 The Contractor shall emphasize waste reduction at the source to business and industry. This will include, but not be limited to one-on-one education and interaction at business and industry sites, phone calls, referrals to the IWRC and the Department's WRAP program and other appropriate means.
- 6.7 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, but not be limited to the following: identifying/communicating with business personnel who operate recycling or material collection centers or related industries; communicating with business and industry personnel with exemplary waste reduction and recycling programs and educating all interested parties about the waste exchange; and using resources explained and/or provided through training workshop.
- 6.8 The Contractor shall refer all questions about hazardous or potentially hazardous materials to the staff at the IWRC. Waste exchange Contractors are not responsible for nor should they become involved in hazardous waste determinations or related work, such as giving regulatory advice. The Contractor shall facilitate matches of hazardous materials whenever possible.
- 6.9 The Contractor shall work cooperatively with the Department, IWRC and all Contractors and other non-funded participants in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (minimum of one from each region funded through the grant) in the training workshops and meetings; participation in telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports; and quarterly progress reports to the Department (see "Reports and Other Documentation" Article VIII).
- 6.10 The Contractor shall be required to meet with/educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for waste reduction and recycling and the need for programs such as BAWSS. Assist them in understanding the goals and benefits--both environmentally and economically--of the waste exchange, including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The objective of these efforts is to secure their support for the waste exchange and, as necessary, to identify needs and accomplish diversion of materials from landfills and other disposal sites.
- 6.11 The Contractor shall be required to educate business personnel and other interested parties about the IWRC, the Department's Waste Reduction Assistance Program, as needed, other related programs..
- 6.12 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). Before referring

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generators of potentially hazardous materials to new markets (e.g., drum reconditioners who have never been researched by IWRC as to their handling procedures), the Contractor shall be required to contact the IWRC.

- 6.13 The Contractor shall serve Council of Governments Region VII which includes businesses in Chickasaw, Black Hawk, Buchanan, Bremer, Butler, and Grundy counties with a commitment of one full-time staff person.

BUDGET: INRCOG BY-PRODUCT AND WASTE EXCHANGE PROGRAM

Iowa Northland Regional Council of Governments

Budget: One FTE

Salaries/Benefits	DNR Funds	In-kind	Total
Waste Specialist	\$23,000		\$23,000
Executive Dir. @ 2%		950	950
Comm. Dev. Dir. @ 10%		3,800	3,800
Sr. Planner @ 3%		1,375	1,375
Bookkeeper @ 5%	75	920	1,005
Sec./Rec. @ 5%	<u>925</u>		<u>925</u>
Total Salaries	24,300	7,055	31,355
Administrative Costs*	6,400	800.00	7,200
Direct Costs			
Travel	1,200		1,200
Telephone	600		600
Education	500		500
Copies	800		800
Postage	400		400
Office Supplies	<u>800</u>		<u>800</u>
Total Direct	4,300		4,300
Black Hawk County Solid Waste Commission		6,000	6,000
TOTAL	35,000	13,855	48,855

Mr. Kuhn reviewed details of the three grant projects.

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Motion was made by Margaret Prahl to approve the three BAWSS Contracts as presented. Seconded by Rozanne King. Motion carried unanimously.

Nancylee Siebenmann asked if these projects would overlap with types of services provided by the UNI Waste Reduction Center.

Ms. Hay stated that it is all part of the same program and there is a great deal of coordination between each program.

APPROVED AS PRESENTED

LANDFILL ALTERNATIVES GRANT AWARDS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Fourteen (14) grant applications were selected for funding from the round of fifty-three (53) applications submitted the first Monday in December, 1992. A brief summary of each successful project follows for the Commission's information. One (1) of the grant awards is less than \$25,000. The other thirteen (13) grant projects will be brought to the Commission for contract approval at future meetings. Total grant award for recommended projects is \$1,573,980.

- 1) Fayette County Solid Waste Commission \$152,937

Grant funds will be used for an addition to the materials processing building, equipment, and salaries. The project will expand recycling opportunities and precycling and recycling education programs into all of Chickasaw County, and portions of Clayton, Buchanan, and Allamakee Counties. Materials to be processed include: cardboard, newsprint, office paper, glass (clear, green, brown), plastic (#1, #2, #3, #4, #5, and #6), textiles, food cans, and magazines. Wayne Pape is Chair of the Solid Waste Commission. Gary Spellerberg is County Recycling Coordinator and contact person.

- 2) Kossuth County Board of Supervisors. \$188,847

The project will assist in the implementation of a three (3) county regional recycling program involving Kossuth, Palo Alto, and Pocahontas Counties. The project involves construction of a transfer station, the purchase of equipment, and the development and delivery of educational programs. Materials will be received at the transfer station and prepared for transportation to Horizons Unlimited (previous grantee) for processing and marketing. Richard Shiek, Kossuth County Engineer is the point of contact.

3) Linn County

\$211,047

The project involves construction of a recycling/transfer station, the purchase of equipment, and implementation of educational programs. Limited processing will take place at the transfer station to prepare items for transportation to the selected recycling center for processing, marketing, and transportation to market. Rita Huber is Chair of the Linn County Board of Supervisors and Rebecca Palmer, Linn County Solid Waste Planning Coordinator is the contact person.

4) FlaBro Plastics, Inc.

\$22,180

The Waterloo applicant proposes to build and field test 4" x 4" plastic lumber with a glass reinforced, honeycomb interior and ultraviolet light inhibitor. The product is to replace wooden traffic sign posts. If successful, the applicant will serve as a market for mixed color HDPE plastics. The applicant has secured letters of commitment for field testing from the Iowa DOT, the Cities of Cedar Falls, Waterloo, Waverly, and the Counties of Black Hawk, Bremer, Butler, Chickasaw, Grundy, and Tama. Terry and Jon Flaig are owners. Terry is the point of contact.

5) Des Moines Metropolitan Area Solid Waste Agency

\$37,483

The applicant will implement a pilot recycling project in the Des Moines metropolitan area and the City of Norwalk for multi-family housing units of varying sizes, family income and age of tenants. Grant funds will be used for the preparation of educational materials, and recyclable materials transportation and processing costs. Teree Caldwell Johnson is the Director of Des Moines Metro and Caroline Cummings is the project contact person.

6) Des Moines County Regional Solid Waste Commission

\$300,000

The applicant will construct a municipal solid waste co-composting facility to serve all of Des Moines County, six (6) communities in Henry County and one (1) community in Louisa County. Grant funds will be used to assist in the purchase of three (3) rotary digesters. Finished compost will be utilized as daily cover at the landfill, applied as a soil amendment to Commission owned land and tested for additional soil applications. Larry Larson is Director of Solid Waste for Des Moines County and the contact person.

7) City Carton, Inc.

\$98,000

The project involves the construction and equipping of a recycling center located in the City of Iowa City. Grant funds will be utilized in the purchase of a multi-material sorting system to allow efficient, sorting of different grades and additional types of recyclables. The project will

directly affect a 70 mile radius of Iowa City and indirectly affect the entire State. John, Andy, Mark, Tim, Chris, Cindy, and Bream Okenfels and Donna Ames are owners. John Okenfels is the contact person.

8) Dallas County/Cities of Adel and Perry

\$146,689

The project involves implementing curbside collection of recyclables in the Cities of Adel and Perry and drop-off collection of recyclables for rural residents. All recyclables will be transported to Genesis recycling in Jefferson (previous grantee) for processing, marketing and transportation. Grant funds will be utilized in the purchase of one (1) recycling vehicle for the City of Perry, the purchase of curbside collection bins, drop-off containers and education program development and implementation. Terry Brooks is the Dallas County Environmental Sanitarian and contact person.

9) Cass County Landfill Commission

\$72,000

Grant assistance is requested to implement a drop-off recycling program in Cass and eastern Pottawattamie Counties. Drop-off containers will be placed in each community in the project area for use by city and rural residents. Grant funds will be used in the purchase of recycling containers and a vehicle with hoist for transportation of the containers to NISHNA Recycling Center. NISHNA (previous grantee) will process, market and transport materials to market. Duane Becker is Chair of the Board of Supervisors. Ken Coffman is the point of contact.

10) Harrison County Landfill Association

\$50,130

Grant assistance is requested to implement a drop-off recycling program in Harrison County. Drop-boxes will be placed in each municipality for use by city and rural residents. Grant funds will be used in the purchase of recycling containers, education, and transportation of the containers. Monona County Recycling Center (previous grantee) will pick up the containers, process, market and transport materials to market. Ronald Reiff is Chair of the Association and the contact person.

11) Seneca Area Agency on Aging, Inc.

\$50,320

A waste reduction project that will eliminate the use of styrofoam trays in favor of reusable meal trays for the agency's homebound meals delivery program. The agency is located in the City of Ottumwa and annually serves nearly 285,000 meals to elderly persons throughout a ten county area (Appanoose, Davis, Jefferson, Keokuk, Lucas, Mahaska, Monroe, Van Buren, Wapello, and Wayne). Grant funds will be used for the purchase of separate reusable trays for hot and cold foods. Peggy Amos is Agency Director and Pam O'Leary is the project coordinator.

12) Howard County Board of Supervisors

\$104,971

The project involves expanding the existing materials recovery facility, Spectrum Industries located in the City of Cresco, to process increased amounts of recyclables. Two (2) towns the applicant serves have instituted curbside recycling. Grant assistance is requested for the purchase of equipment, building renovation, a vehicle, salary, and brush chipper. The applicant currently co-markets processed materials and will continue to do so. Robert Voves is Chair of the Board of Supervisors and Dennis Kanke, Recycling Coordinator, is the project's contact person.

13) PRO Cooperative

\$31,572

The farmers cooperative, located in Bradgate, Humboldt County, proposes to expand the animal bedding operation and decrease the labor intensity of their operation. All old newspaper from Humboldt County is now going to PRO Cooperative. In addition, PRO Cooperative is purchasing old newspaper from Horizons Unlimited (previous grantee) located in Palo Alto County. Alternative markets for old newspaper are also being considered. Grant assistance is requested for the purchase of equipment, trailers, building modifications, supplies, and marketing. Stanley Benjamin is the Coop Manager and contact person.

14) Simonsen Industries, Inc.

\$107,804

This waste to energy project will primarily burn sawmill generated wood waste in a boiler to be purchased with grant fund assistance. All steam produced will be used in house. Wood waste will become Simonsen's primary fuel source replacing propane fuel. This project will directly affect the rendering division of Simonsen Industries. The applicant is located in the City of Sanborn, Cherokee County, and will be taking wood waste from a sawmill near Redfield (Dallas County) and a sawmill near South Sioux City Nebraska. Mark, Richard, and Jeff Simonsen are owners. Jeff Simonsen is the point of contact.

Ms. Hay distributed a corrected copy of the agenda brief noting that the original brief contained an error in the amount of grant #5 and in the total of all grants.

INFORMATIONAL ONLY

APPLICATION AND GUIDANCE OF GRANT PROGRAM FOR REGIONAL COLLECTION CENTERS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

This document contains the application needed to apply for a Regional Collection Center (RCC) Grant and the necessary guidance to assist applicants. The information provided in the guidance will assist the applicants in completing the grant application form and the required permitting

information, and it will provide information on RCCs nationally, suggestions on operations, suggestions on public promotion and education, and general information required by the RCC Grant rules contained in IAC Chapter 211.

**APPLICATION AND GUIDANCE OF THE GRANT PROGRAM
FOR REGIONAL COLLECTION CENTERS
OF CONDITIONALLY EXEMPT SMALL QUANTITY
GENERATORS AND HOUSEHOLD HAZARDOUS WASTES**

WASTE MANAGEMENT ASSISTANCE DIVISION

APRIL 1993

IOWA DEPARTMENT OF NATURAL RESOURCES
LARRY J. WILSON, DIRECTOR

BACKGROUND INFORMATION

National History

While it was recognized some time ago that household hazardous waste was being discarded in the trash, the significance of the problem has only recently been recognized. In 1981, state programs in Massachusetts, California, Kentucky, and Washington started to address this problem. Presently, all states have begun to address the household hazardous materials issue.

State History

In 1986, two Toxic Cleanup Days (TCD) were held in Iowa as a pilot project. Funding for the pilot project was obtained through a grant from the United States Environmental Protection Agency (EPA) and from the Department of Natural Resources (DNR) operating fund. Since this project was successful, consideration was given regarding how Iowa could fund similar events on an ongoing basis. With passage of the Groundwater Protection Act of 1987, the Household Hazardous Materials Program was established as a permanent program.

Iowa's Consumer Education Program

Iowa's unique program provides for consumer education and for the administration of the TCDs. Any retail establishment that sells household hazardous materials, as defined by law, must obtain an annual permit and participate in a consumer education program. Fees collected in this program pay for educational materials, administration of the program, and for the TCDs.

Toxic Cleanup Day History

After the 1990 TCDs the program was re-assessed. Due to increased environmental awareness the 1990 TCDs received unexpectedly high participation rates. Many of the participants, lacking proper disposal knowledge, brought items that could be used up, given away, or managed locally. In 1991, the Department of Natural Resources (DNR) implemented a new program strategy for the TCDs. The program was changed in two significant ways. The first change required counties hosting TCDs to provide a task force to establish an agenda for proper household hazardous materials management, stressing education, on a continuing basis. The second change was to hold TCDs by appointment only. These changes were made to improve the organization and operation of the TCDs, and increase public education, thus resulting in less waste that must be properly disposed.

Regional Collection Center Legislation

In 1991, the legislature provided for the establishment of regional collection centers (RCC) for the collection of hazardous wastes from households and conditionally exempt small quantity generators (CESQG). A conditionally exempt small quantity generator (EPA 1986) is a generator which meets the following criteria: a CESQG produces less than 100 kilograms of hazardous materials within a month, produces less than 10 kilograms of acutely hazardous materials in a month, and never stores more than 1000 kilograms of hazardous materials at any one time.

The purpose of the RCCs is to educate the public regarding alternatives to the purchase or disposal of household hazardous materials and to provide regular access to a means of properly disposing of hazardous materials. The funding for this grant program is provided through landfill tonnage fees. It is important that this grant program ensure that both the rural and urban populations of the state are served.

INTRODUCTION TO THE RCC GRANT PROGRAM

What is a RCC?

A regional collection center is a secured site or facility at which collection, sorting as to type, and packaging of hazardous materials from urban and rural households and CESQGs will be accomplished prior to transportation of these wastes to a final disposal site. Another obligation of these centers is to educate the public regarding alternatives to the purchase or disposal of the hazardous materials in our homes and small businesses.

RCCs and the Public

It is important that the public understands what a RCC really is. A RCC is a transfer facility that temporarily stores exempt packaged hazardous materials prior to transportation of these wastes to the final disposal site. A RCC is not a hazardous waste landfill; rather, it packages these wastes and temporarily stores them until transportation arrangements, with a hazardous waste contractor, can be made. Nationally these centers are referred to as permanent collection facilities. When a person who is not familiar with the concept of these facilities encounters the term permanent collection facility they may envision the negative connotations of a toxic waste dump. The Waste Management Assistance Division of the DNR utilizes the term regional collection centers, to more accurately depict the function of Iowa's centers. As stated above, these centers are not nor ever will be a toxic waste dump or landfill.

Household and CESQG Hazardous Wastes and RCRA

According to recent EPA interpretation (HHWMN 1991) the Resource Conservation and Recovery Act (RCRA) no solid waste (even household hazardous wastes (HHW)) is a hazardous waste; thus HHW is specifically exempted from RCRA subtitle C (hazardous waste) requirements. RCRA regulations state that a CESQG is a conditionally exempt hazardous waste generator; thus, the waste is not a regulated Subtitle C hazardous waste, and CESQG waste may be sent to a hazardous waste facility, a solid waste landfill, or other facility approved by the state for industrial or municipal solid waste. Since neither CESQG or household hazardous wastes are required to be managed as RCRA subtitle C hazardous wastes they are not considered regulated hazardous waste generators. Because they are not regulated they are not required to report how they manage their waste. Although some of this waste is managed properly much of it is not. The reasons for this include the cost of proper disposal and not knowing the proper disposal options. The establishment of the RCC grant program will provide a place for households and CESQGs to properly dispose of their hazardous wastes and provide them with the educational tools to make better, more informed decisions.

Permanent Collection Programs

A permanent collection program has a structure or mobile unit dedicated to the collection of hazardous materials from households and/or CESQGs. These permanent programs have ongoing collections throughout the year at one or more sites. As of November 1992 (COHHWM 1993), 25

states have permanent programs in place to collect hazardous wastes from households. Of these, 4 states have permanent programs to collect wastes from households and CESQGs.

As of November 1992 these states have permanent HHM collection programs:

Alabama	Indiana	New York
Alaska*	Kansas	Oregon
Arizona	Maryland	Pennsylvania
California*	Massachusetts	Texas
Colorado	Michigan	Vermont
Connecticut	Minnesota	Virginia
Florida*	Missouri	Washington*
Idaho	New Mexico	Wisconsin
Illinois		

* These states also collect hazardous wastes from CESQGs.

Types of RCC Programs

The types of RCCs that will be funded include but may not be limited to:

1. A fixed permanent facility;
2. A fixed permanent facility with fixed satellite stations;
3. A fixed permanent facility with a mobile unit(s);
4. A mobile unit that performs collection events.

Types of Facilities

The types of facilities are as varied as the types of programs that exist across the country. The different types of facilities have been categorized nationally (DANN 1992), as minimalist, medium-scale, and full service. The categories are defined by the types of activities the structure is designed to accommodate. A minimalist facility is one which has storage space, but little or no indoor office, lab, bulking, or reuse spaces. On the other hand, a full service facility has indoor space for all of the HHM activities: receiving, storing, lab work, office work, consolidation, storing for reuse, and storing for transport. In between both of these extremes is medium-scale, which consists of a wide range of variations. The medium-scale facility has some space for receiving and storage, plus some bulking and testing areas and maybe a nearby office.

There are many factors which determine the type of facility that is right for each region. The most basic factors to be considered include:

- Level of service proposed/participation expected: If the facility is to be well advertised and the sponsor anticipates a high number of participants per week, the facility and the staffing level will have to be designed accordingly.
- Location and staffing: If the facility is to be located at the landfill and operated with landfill staff, less new space is needed for HHM. If the facility is to be run with additional staff more often than once per month, then work space and bulking space

- may need to be provided.
- Existing space available: If there is space to retrofit or add on to an existing building, this may be a less expensive option and may allow for efficient use of staff time as well.
- Budget.

Types of Structures

There are many variations on the type of structures that may be used. The options used around the country (DANN 1992) include: prefabrications, precast concrete, modified trailers or containers, retrofit existing buildings, new construction, or a combination.

- Prefabrications: Nationally, the most commonly used is the prefab hazardous waste storage unit. This has the advantage of being available with all kinds of safety features and may save on engineering design fees. It provides storage space but does not usually allow for any work area (for bulking, sorting, testing, or office work).
- Precast concrete: Like a prefab, they can avoid much of the need for engineering design. They can be laid out for storage use only or for a combination of storage and some work space.
- Modified trailers or containers: These facilities are long and narrow, but can provide space for sorting, bulking, testing, and storage.
- Retrofits and additions: Where there is available space, retrofits or additions have made good use of existing space.
- New construction: The designs are more flexible and can accommodate more work space, office space and space for reuse areas.

567-211.6

ELIGIBLE COSTS

These costs are eligible for funding:

1. The materials and labor for construction, and purchase cost of structures and/or mobile units to be used as an RCC;
2. Site modification. This includes site excavation for the structure and modifications to control runoff or visually screen the RCC;
3. Education program for households and CESQGs within the region. Applicants may receive funding for up to 50% of their education budget. Eligible items may include but are not limited to:
 - a. Supplies including paper and postage;
 - b. Purchase of books, resource materials, slide shows, video materials, etc. for education of the local population or to be donated to local libraries or schools;
 - c. Office equipment including computers and specific software;
 - d. Fees for public service announcements.The percentage of funds awarded to the applicant will be based on meeting the requirements of these rules;
4. Equipment relating directly to RCC operation: This could include equipment such as fork lifts, lab equipment, etc.;

5. Initial staffing costs;
6. Site and building design fees.

Expenses relating to item "1" shall be given the highest priority. Expenses relating to item "6" shall be given the lowest priority.

567--211.7

INELIGIBLE COSTS

Applicants cannot request monetary assistance for the following costs:

1. Taxes;
2. Vehicle registration;
3. Indirect or overhead expenses;
4. Legal costs;
5. Contingency funds;
6. Land acquisition.

567--211.8(1)

CRITERIA FOR SELECTION OF A RCC GRANT

This application process involves two separate approval processes, a grant and a permit. This section explains the grant and permit application instructions for this program. An applicant may apply for the grant and permit at the same time or may apply separately for the grant and then the permit.

The Grant Application

To apply for a RCC grant each applicant shall at least detail the following education and use analysis sections and provide sufficient knowledge of the remaining criteria: site selection, structures, staff qualifications, operation procedures and project match. This will allow the Department to make a preliminary applicant selection. If an applicant is selected, they will be given preliminary approval and will be asked to submit the required information for the permitting process. The opportunity to receive grant money may be rescinded if the applicant can not provide the required detailed information for the permit process.

The Permit Application

To apply for the required permit, the applicant must submit detailed information on the sections entitled site selection, structures, staff qualifications, operations procedures, and project match. If the information submitted by the applicant proves sufficient and is approved by the Department, then a contract can be signed between the state and the applicant for the RCC grant.

General Instructions

A point value has been assigned for six of the seven criteria. To receive the highest number of points, applicants must follow the instructions and be thorough. Applicants receiving the highest number of points will be considered for approval. Applicants must address all criteria in the order presented in Chapter 211 of the Iowa Administrative Code and this application/guidance document. An application that fails to address all criteria may not receive consideration.

All applications shall be judged on service area, frequency of collections and accessibility of the site. Applications shall be reviewed by the Waste Management Assistance Division and the Environmental Protection Division of the DNR. The Director of the DNR shall have final approval of all application selections.

567--211.8(a)

EDUCATION (35 points)

"Tell me,
I'll forget,
Show me,
I may remember.
But involve me,
and I'll understand"
- Chinese Proverb

"Education and publicity is an on going part of your household hazardous waste program." In other words, it is not something you do once and repeat at intervals." - Leslie Lewis, Connecticut Department of Environmental Protection and Joan Dotson, Redlands California

Education and the RCCs

The center's education program is one of the most important parts of the RCC program. The purpose of a center's education program is to educate the public including both adults and school age children, and the CESQGs. By educating the public in regard to identification, source reduction, and the use of safer alternatives, the amount of toxics that will need to be disposed of should be reduced over a period of time. Without an effective education program the RCCs will be perpetuating a "fast food" style approach to disposing of these hazardous wastes. We need to help the public realize what may result from the improper disposal of our uninformed purchasing.

Education is crucial during all phases of planning, construction and operation of the RCC. If the lines of communication are not maintained through all of these phases, the project may be faced with delays. Early in the planning stages, the education program will need to be focused on educating the public as to what a RCC is. The first two paragraphs of the "Introduction" of this application/guidance document discuss this. At this stage, the education program will rely on publicity to get its message across to the public.

Early in the planning stages, publicity will attract the public's attention, but education which involves people will get the message across. It's been said that publicity that precedes education may result in adverse publicity. The RCC staff will need to be mindful of this and always temper

publicity with education. The proper informing of the public will help prevent the "not in my backyard" (NIMBY) syndrome as a premature reaction to a misunderstood project.

Any public officials that could play a role in the establishment of the RCC should be involved at this point (Gruber 1992). This should include all local building codes people, zoning officials, the fire marshal, mayors, county attorneys, and others who may have some impact on the RCC. A meeting between the fire marshal and all local codes people should take place, very early, to determine the type of structure that is required for the center. It is important that all of these people are kept abreast of what is happening.

As construction is under way the RCC should start focusing on educating the public as far as what is a HHM, safer alternatives, and how to properly dispose of these hazardous materials. This can be done through public presentations to local groups, public service announcements on radio, television, and in newspapers, and working with local schools and libraries. This will continue through the operation phase of the center. As the center is operating and a phone number is established it will be providing a "technical assistance line" to the public. This technical assistance line will help educate the public while at the same time provide them with needed information.

Education criteria

1. A budget for the applicant's education program must be specified.
2. The education plan shall show a commitment to local schools within the applicant's region. The children are our future. Through school education programs we can also reach parents as children will quite often bring home with them what they have learned at school.

Each RCC should work with the region's schools providing resource materials, staff time for presentations, tours of the RCC, etc. This section of the education plan should describe how the applicant will assist these schools. A number of publications already exist that can be helpful to teachers. There is also room for new resource materials and new approaches to HHM education. The applicant may provide teachers with existing resource materials, create new materials, or provide a mix of both. The applicant should list all resource materials. If the applicant asks for grant money to create new educational materials the applicant shall submit a copy of the materials to the Department for approval. As well as providing resource materials, the applicant should make provisions for educational presentations to schools within the region. At least one RCC staff person should have the ability to make these presentations. The applicant should submit the qualifications of this person with the education plan. The applicant should not limit their education plan to grades K-12, but also work with community colleges, and other colleges and universities.

3. Within the education plan the applicant should demonstrate their commitment to educate the local population through outlining an intensive three-year program. This program shall address alternatives to the purchase and the proper disposal of toxic materials, and provide a telephone number people may call for assistance. This effort shall be directed at such groups as civic and youth groups, clubs, organizations, and associations within the collection center's region.

One of the goals of this program will be to educate as large a percentage of the region's population, as is possible, within this three year span. Besides presentations, applicants shall make use of local radio, television, newspapers, newsletters and other means to promote this education effort.

4. The education plan shall address efforts to be aimed at libraries within the region. The applicant shall demonstrate how they will work with these libraries, providing resource materials, books and other contributions pertaining to HHM. Other contributions may include providing assistance for library information lines, presentations, monetary contributions regarding HHMs, etc.

5. The applicant shall demonstrate how they will promote retailer awareness of HHMs. The Iowa Groundwater Protection Act of 1987 includes provisions which directly affect retailers of products that are determined to be HHMs. Retailers who sell HHMs are required to participate in a consumer information program. This program is described in the brochure "What Retailers Need To Know About Household Hazardous Materials" and Chapter 144 of the Iowa Administrative Code (see Appendix E). The applicant's education plan should describe how they will help achieve compliance with this program.

6. The education program will also provide assistance to CESQGs within the region. Many CESQGs are small businesses which have limited access to affordable proper disposal of their hazardous wastes. This problem will be addressed with the establishment of the RCCs which will provide a means to properly dispose of their hazardous wastes, as well as, assist them in this regard. Chapter 455F.8A subsection 2(d) of the Iowa Code states that the RCC "shall require payment for collection from CESQGs if the amount of waste disposed is greater than ten pounds."

This portion of the education program will help facilitate access to the appropriate technical information that the CESQGs may need. This information will include source reduction, appropriate waste management, and disposal options.

7. The household hazardous materials program symbol shall be used on all signs and all resources materials that are created and distributed by the RCCs. See Chapter 144 of the Iowa Administrative Code (see Appendix E), for the specifications and proper use of this symbol.

567--211.8(b)

USE ANALYSIS (5 points)

All applicants shall demonstrate a sufficient knowledge of the hazardous wastes from households as well as CESQGs. The applicant shall list numbers of households and CESQGs within their region. For both households and CESQGs the applicant should provide types of and quantities of wastes that these numbers will generate. By knowing these numbers applicants may use this information to help adequately size their facility.

A survey may be the most appropriate means to gather these numbers. If a survey is performed for households, responding residents should be given educational information describing HHM.

In this way they will be better able to answer questions regarding the types of HHM they have, how much they currently have, at what rate they accumulate it, and how they currently manage it. The household hazardous materials section of the Waste Management Assistance Division of the DNR may be able to provide information regarding household participation in Toxic Cleanup Days.

The CESQGs should be surveyed to obtain, at least, a representative sample of the region served. Sources for identifying these generators (COHHWM 1993(2)) include: the standard industrial code listing, area phone books, sales tax permit numbers, working with trade groups, and door to door surveying of region businesses. CESQGs must be provided with educational information at the time of the survey, as to what is a CESQG and what is a hazardous material. The results of the survey should determine what types of hazardous wastes are produced, how much hazardous waste is produced per month, and how these wastes are currently managed.

Applicants shall report on their findings during the grant portion of the permitting process.

567--211.8(c)

SITE SELECTION (20 points)

It is important that the site for the RCC be chosen properly so that our environment is not endangered. With this in mind, the site selected for the regional collection center shall meet the criteria that follows.

RCC Access

A RCC is a public facility that serves both urban and rural populations of the state of Iowa. To make sure that there is a collection service available to a region it shall be sited on public property or on private property if an agreement exists that guarantees access to the public. Documentation of such an agreement shall be provided by the applicant on or before the initiation of the contract with the Department.

Secondary Containment and the Site

The site shall be designed to provide adequate secondary containment in case of a spill or other possible on-site contamination. This is extremely important if receiving and bulking activities are accomplished outdoors. Secondary containment is defined as providing an impervious surface that is curbed, sloped, or sumped to retain spilled materials with a storage volume equal to the largest container or 10 percent of all containers whichever is larger. (Whereas, primary containment would be the receptacle that held the hazardous material.) This measure would prevent a spill that occurred outside of the structure from contaminating the site. Outdoor receiving and bulking areas should be curbed, sloped or sumped so that if a spill occurs it will be contained and can be properly cleaned up. Surface runoff and precipitation should not be allowed to enter outdoor receiving and bulking areas as this will add to the volume to be properly disposed.

Sizing the Site

The site shall be adequately sized to accommodate all structures, units and activities that will take place on the site. This should include all structures, units, parking areas, access roads, etc. Some states have recommended more than one structure. By having a separate building for storage of flammables they have reduced their insurance (Gruber 1992). The site must have adequate parking space, a waiting area for several cars, and enough space to allow for vehicle movement. There should be sufficient space for the turning radius of large vehicles that will come to the site. Roads and parking areas should be designed to accommodate a semi-trailer, which may be used by the hazardous waste contractor.

The selected site shall meet all applicable zoning codes.

Access to the Site

The site shall be fenced to control access. A gate shall be provided at the entrance to the site and kept locked when personnel are not on duty.

Site Permitting

All RCCs and mobile units shall obtain a permit from the department. To receive a permit the applicant must provide the information requested in 567 Chapter 103.2(1). Applicants will be exempt from the requirements of 567 subrules 103.2(m)(5) to 103.2(m)(7). See Appendix B to refer to subrule 103.2. The site for the RCC shall also meet one of the following criteria:

- a. The site shall have previously met analytical requirements according to the 103.2 subrule referenced above, or;
- b. The site may be a previously closed sanitary landfill which was closed subsequent to October 25th, 1989 according to 103.2(13), or;
- c. A new site that meets the requirements set forth in the subrule 103.2(1) as referenced above.

Since the referenced subrule 103.2(1) details the siting of a sanitary landfill, not all subsections will apply to the RCCs. The applicant must provide the following information as requested. The following will detail which subsections which will apply to the RCC's permit application:

103.2(1)(a), 103.2(1)(b), and 103.2(1)(c) will apply to the RCCs. See Appendix B for details.

103.2(1)(d) this subrule **does not apply** to the RCCs.

103.2(1)(e) this section does apply as an alternative protection system. The areas where hazardous materials will be received, handled, and stored, must be curbed, or sloped to plastic lined pits or concrete sumps in case of spills. Runoff and precipitation shall not be allowed to enter sumped areas or structures.

103.2(1)(f) through 103.2(1)(l) **do not apply** to the RCCs.

103.2(1)(m)(1-5) apply to the RCCs with the following interpretation:

- (1) Any concrete pads around the RCCs, or mobile units, or the structures themselves shall be so situated as to obviate any predictable lateral movement of significant quantities of runoff from the site to standing or flowing surface water or to shallow aquifers that are in actual use or are deemed to be of potential use as a water resource.

(2) The finished elevation of any floors or concrete is at least five (5) feet above the high water table unless a greater separation is required to ensure that there will be no significant adverse effect on ground and surface waters or a lesser separation is unlikely to have a significant adverse effect on ground and surface waters.

(3) and (4) shall read as is. See Appendix B for details.

103.2(1)(m)(5-7) these subrules **do not apply** to the RCCs.

103.2(1)(n) this subrule will apply to the RCCs. See Appendix B for details.

103.2(1)(o) this subrule **does not apply** to the RCCs.

103.2(1)(p) this subrule applies to the RCCs. See Appendix B and Appendix F for details. The applicant must provide the required soil and hydrogeologic design information. If the site has previously met analysis according to the subrule 103.2(1) as referenced above, or the site is a previously closed sanitary landfill which was closed subsequent to October 25th 1989 according to 103.2(13) the applicant will not have to conduct a new soil and hydrogeologic investigation.

103.2(1)(q) This subrule applies to the RCCs. See Appendix B for details.

The applicant must submit three copies of all plans and specifications for department review during the permit portion of the application process.

567--211.8(d)

STRUCTURES (20 points)

The purpose of a RCC is to provide a location for receiving and sorting, bulking and lab packing, and temporarily storing exempt hazardous materials from households and CESQGs. All structures shall be sized to adequately allow staff to perform these functions when these materials are brought to the RCC or mobile unit. The size of the RCC structure will depend on the needs of the region. While the materials that are brought to the site are exempt, they remain hazardous materials and the site and structures must be designed accordingly.

Receiving and Sorting Areas

The receiving and/or sorting area shall provide adequate space to allow staff to remove hazardous materials from incoming vehicles and place it on tables to be separated. Within the sorting area there should be adequate space to keep these hazardous materials segregated until there is a sufficient volume of material to labpack them within their respective hazard classes. When the RCC is collecting wastes the receiving and/or sorting area shall have a storage capacity of at least one day's processing capacity. All outdoor receiving areas must be covered with a canopy and meet the requirements of subrule 103.2(1)(e) see site selection criteria above. The public should not be allowed beyond the point where hazardous materials are received while receiving and/or sorting procedures are being accomplished.

Bulking and Lab Packing Areas

There shall be adequate space for staff to bulk or lab pack materials that are brought to the RCC. If indoor bulking is performed adequate ventilation shall be provided according to all applicable building and fire codes.

Storage Areas

The structure shall have space available to temporarily store the packaged materials that have been brought to the RCC until it can be picked up for proper disposal by a hazardous waste contractor. Hazardous materials from households and CESQGs shall not be stored for longer than 180 days.

Specific Construction Requirements

All areas for receiving, sorting, bulking, transferring, and storing shall have surfaces that are constructed of an impervious, reasonably smooth material so designed to be easily cleaned and nonreactive with the waste. These areas shall be protected from the weather and shall provide secondary containment in the case of a spill. These areas shall be designed with proper drainage according to all applicable codes.

The structures and mobile units shall be so designed to prevent runoff entering from adjacent areas. Doorways into structures should be curbed, or ramped, or otherwise prevent runoff from entering the structure.

Code Requirements

All permanent structures and mobile units must meet the requirements of the Iowa State Building Code and all other applicable codes. This would include but is not limited to electrical and mechanical, as well as, fire, and zoning codes. As stated in the fourth paragraph of the education section, it will be important to establish at an early stage all applicable codes to determine to what design standards the RCC should conform to. The quantities and types of materials that will be received at the RCC will affect the requirements. The applicant shall describe the building requirements that were determined from this process.

Department of Transportation Guidelines

All mobile units and the containers used to package collected materials shall comply with applicable Department of Transportation rules and guidelines. The Department of Transportation has federal guidelines for the transporting, packaging, and handling of hazardous waste as well as other safety requirements.

Mobile Unit Guidelines

Applicants applying for grant funds to establish a mobile unit(s) must list the number of sites at which the unit(s) will locate and include the township and range of these locations. At each mobile unit site, the unit shall rest on a pad of an impervious, reasonably smooth material that provides secondary containment in case of a spill. A canopy shall be provided as protection from precipitation.

Structures Permitting

All RCCs and mobile units shall obtain a permit from the department. To receive a permit the applicant must provide the information requested in 567 Chapters 102 and 104. Since the referenced subrules deal with a sanitary disposal project, the following outline details the specific requirements of these subrules as they apply to the RCCs. The applicant must provide the following information requested.

Chapter 102

102.2 this subrule applies to the RCCs. See Appendix C and Appendix G for details.

102.3 through 102.10 these subrules will apply to the RCCs. See Appendix C for details.

102.11 this subrule applies to the RCCs. No hazardous waste from households or CESQGs will be accepted by a RCC until the RCC has been inspected and approved by the Department. A RCC shall not operate without having a permit. See Appendix C for details.

102.12 this subrule will apply to the RCCs. See Appendix C for details.

102.13 this subrule **does not** apply to the RCCs.

102.14 and 102.15 these subrules will apply to the RCCs. See Appendix C for details.

Chapter 104

104.1 this subrule will apply to the RCCs. See Appendix D for details.

104.2 through 104.10 these subrules **do not** apply to the RCCs.

104.11 this subrule will apply to the RCCs. See Appendix D for details.

Plan and Specification Requirements

The construction plans and specifications for the RCC shall include a receiving area, sorting area, separate storage areas for incompatible materials, roads, structures, fences and gates, landscaping and screening devices, personnel and maintenance facilities and utility lines. A copy of the permit, engineering plans and reports shall be provided at the site at all times. No RCC or mobile unit shall operate without a permit.

567--211.8(e)

STAFF QUALIFICATIONS (10 points)

Because hazardous items are involved, staff will need to have the proper qualifications to properly manage materials. The applicant is required to provide a listing of staff and their qualifications.

Waste Management Staff

RCC may be staffed by full or part-time employees. All staff handling waste shall have received OSHA 40 hour health and safety training as described by 29 CFR 1910.120. The applicant shall consider other applicable training that shall include but is not limited to:

1. Hazardous materials chemistry;
2. Personnel and site safety;
3. Proper lab packing techniques;
4. Proper transporting of hazardous materials.

A college degree is not required for competency in these areas. Some community colleges offer these types of courses. Hazardous waste contractors may, also, offer some or all of these courses. Annual 8 hour health and safety refresher courses are also available.

Education Staff

The qualifications of the staff responsible for education shall be listed. The OSHA 40 hour training requirement will not apply to the education or any "support" staff if they do not handle waste.

Training above and beyond those mentioned above should be described by the applicant. The applicant should provide a listing of the minimum continuing education necessary for the safety of all employees at the center.

567--211.8(f)

OPERATION PROCEDURES (10 points)

For this section of the grant criteria the applicant must prepare an operations plan, a contingency plan, and a closure/post closure plan. This detailing of procedures will help protect the safety of the staff as well as the community. The applicant shall provide additional information that is pertinent to the safety of all individuals. The following requirements are a basis for these plans.

1. *Operations Plan.* The operations plan outlines how the regional collection center is normally operated. Besides normal operations, the plan discusses potential hazards that might be faced daily and how these hazards are to be dealt with. The detailing of normal procedures for "day to day" operations as well as the "unusual" situations will help mitigate any potential situations. This plan should be available to employees of the RCC at all times.

Schedule of Operations. The applicant shall outline times when the RCC will be open. This schedule should include times when the RCC will be receiving wastes. It should be noted if separate collection times are established for CESQGs as opposed to households.

Standard receiving procedures. The applicant shall outline normal procedures for receiving and sorting, bulking and lab packing, and temporarily storing household hazardous and CESQG wastes. Applicants shall discuss the following:

A. Procedures for accepting household participants:

Applicants shall discuss how household participants will be received at the site. The applicant will include information regarding traffic flow, instructions given to participants, whether

appointments are required, etc. The applicant should demonstrate an awareness of manifesting procedures. The RCC, as generator of these materials, will need to be involved with the manifesting of these materials.

*Note: hazardous waste from households shall only be received and handled by trained personnel. Personnel shall wear the proper level of personal protective equipment whenever they accept, sort, or package waste.

Sorting and packaging procedures:

The applicant shall detail procedures for proper sorting of wastes. Packing of collected materials shall be accomplished within a minimal amount of time after an event. The applicant shall detail procedures for proper packaging of wastes. This discussion will also include a description of the containers and packing materials to be used.

*Note: all wastes shall be kept separated according to their proper hazard classification.

Temporary storage of packaged wastes:

The applicant shall detail procedures for storage. This discussion shall include how containers are to be stored, the interval between inspections of containers, and layout of storage area, etc. The stored drums shall be arranged so they are accessible and allow for unobstructed movement of staff and fire/spill control equipment.

B. Procedures for accepting wastes from CESQGs:

The applicant shall discuss how CESQG participants will be received at the site. The applicant shall include information on traffic flow, instructions given to participants, whether appointments are required, whether there will be separate receiving lines from householders, etc. The applicant should demonstrate an awareness of manifesting procedures. The RCC, as generator of these materials, will need to be involved with the manifesting of these materials. What fee schedule is the applicant proposing for CESQG wastes?

*Note: hazardous waste from CESQGs shall only be received and handled by trained personnel. Personnel shall wear the proper level of personal protective equipment whenever they accept, sort, or package waste.

How will CESQG status be determined:

As part of the receiving procedures for CESQG wastes, the participants will be asked to sign an affidavit stating they are a CESQG and that they produce no more than 100 kg of hazardous material per month, they produce no more than 1 kg of acutely hazardous material per month, and that they store no more than 1000 kg of hazardous material at any one time. The applicant should outline procedures that will be followed if waste is suspected to have come from a small quantity generator (SQG) or a large quantity generator (LQG). SQGs and LQGs produce larger quantities of hazardous waste than does a CESQG.

Sorting and packaging procedures:

The applicant shall detail procedures for proper sorting of wastes. Packing of collected materials shall be accomplished within a minimal amount of time after an event. The applicant shall detail procedures for proper packaging of wastes. This discussion shall also include a description of the containers and packing materials to be used.

*Note: all wastes be kept separated according to there proper hazard classification.

Temporary storage of packaged wastes:

The applicant shall detail procedures for storage. This discussion shall include how containers are to be stored, the interval between inspections of containers, and layout of storage area, etc. The stored drums shall be arranged so they are accessible and allow for unobstructed movement of staff and fire/spill control equipment.

Unknowns and unacceptable wastes. Certain wastes should not be accepted at a RCC. These wastes include:

1. Unknown or unlabeled wastes;
2. Wastes from SQGs or LQGs;
3. Radioactive material;
4. Explosives;
5. Shock sensitive materials.

If a participant calls the RCC regarding an unacceptable waste or brings in one of the listed items, the applicant shall be given instructions on proper disposal. Applicants shall describe procedures for receiving and identifying unknowns, if they can not be identified, they should not be accepted. The applicant shall also describe procedures for handling abandoned items.

Open or leaking containers. The applicant shall detail procedures for handling an open or leaking container. The applicant shall include information given to participants for safely transporting items.

Large quantities of wastes. The applicant should detail policies regarding large quantities of waste. The applicant should describe under what circumstances the RCC will or will not accept large quantities of materials.

Recycling procedures. Recycling of usable materials decreases the amount of waste that has to be taken by the hazardous waste contractor. The RCC could serve as a catalyst for additional recycling within a community or region in regards to used oil, antifreeze, lead acid batteries, freon removal from white goods, etc. If a community or region has strong recycling programs, the RCC may not want to be directly involved. The applicant will discuss the RCC's involvement with recycling.

Disposal of non-hazardous waste. The applicant shall describe procedures for handling non-hazardous wastes. This may or may not involve recycling. The applicant may want to consider a product exchange (of usable products) that would be available to the public and/or government entities.

Personal Protective Equipment (PPE). Personal protective equipment is used to protect RCC staff from the hazardous effects of the materials they will be working with. RCC staff and participating citizens will not directly contact the waste, they should only be handling the waste containers. The RCC shall provide staff with the PPE needed to perform their given tasks with

the least amount of exposure. The RCC should provide protective equipment such as eye wash stations, fire extinguishers, and emergency showers, etc.

The potential exists for chemical exposure through inhalation of vapors, powders, or direct skin contact resulting from a spill or leaking container. While receiving, sorting, and during the packaging and consolidation of collected materials, RCC personnel may be exposed to these chemical vapors and spills. Because different types of activities will take place, differing levels of protection will be required for different activities. This will depend on the potential for exposure for each activity. The applicant shall list PPE available at the RCC and detail where and how it shall be used. Decontamination procedures shall also be described.

Initial training requirements. See the "Staff Qualifications" section.

2. *Contingency plan.* The primary purpose of this plan is to detail how the RCC operates in an emergency. The goal is to prevent injury to RCC personnel and members of the community should an emergency occur. This plan should be designed to provide instructions to the proper authorities in the region to organize resources in dealing with an emergency. A copy of this plan should be distributed to all law enforcement authorities, fire departments, and hospitals. The plan should be designed to be easily amended and updated. It should be flexible enough to meet any contingency that might arise at the RCC.

The contingency plan should contain the following information not listed in the RCC grant program rules:

A personnel organization structure listing that will provide names, responsibilities and emergency contact numbers for pertinent staff of the RCC should be provided. This list could be essential to any outside organization that may be responding to an emergency situation.

An emergency check list should be provided. This checklist should be provided to all staff as a reference in case of an emergency. This list would spell out action that the staff should take in case of an emergency.

The applicant should address public relations procedures for emergencies.

a. *Spills.* This section of the contingency plan shall detail procedures for spill control of hazardous and non-hazardous materials.

For general cleaning of floor surfaces within RCC structures and/or mobile units and the receiving pad around the facility, staff should use a dry absorbent or a wet process using a minimal amount of water.

b. *Fires and/or explosions.* The applicant shall describe procedures for handling fires or explosions. Fire extinguishers should be available and pertinent staff should be trained in the proper use of this piece of equipment. Impromptu fire drills should be staged and employees should know location of fire exits and fire extinguishers as well as other pertinent information.

c. Personal injuries. The applicant shall describe procedures for handling medical emergencies. A first-aid kit should be maintained on the site.

d. Notification of local agencies. A copy of the contingency plan should be distributed to all law enforcement authorities, fire departments, and hospitals. A list of essential phone numbers shall be provided with the application and posted in the RCC. This phone number list shall include the local fire department, law enforcement agency, the emergency coordinator, medical emergency number, staff notification list, and utility numbers.

3. *Closure/post closure plan.* A closure/post closure plan shall be submitted with the application according to subrule 102.12(10) and 102.14(9) of the Iowa Administrative Code (See Appendix C)

567--211.8(g)

PROJECT MATCH

The applicant shall provide proposed budgets for the implementation and the operation of the RCC. This budget shall list all public and private contributions to these budgets. The amount of contributions per household population of the region served will be used to break a tie.

The department's award for the facility shall not exceed \$100,000.

567--211.9

PROJECT APPLICATION

An applicant shall submit a completed application form provided by the department (see Appendix A). The application form will include, but shall not be limited to, the following information:

1. Name of applicant;
2. Address of applicant;
3. Phone number of the contact person;
4. Documentation of resources including:
 - Identifiable monetary resources: all sources of revenue dedicated to the project;
 - Land, buildings, or equipment: all land, buildings, or equipment dedicated to the project;
 - Insurance coverage; list insurance coverage for the project.

The following information shall attached to the application form:

5. Information satisfying the provisions of rules 211.6(455F) through 211.8(455F).
6. Documentation of consistency with the local and regional solid waste planning efforts. The solid waste comprehensive plans of the various constituent governments should be amended to reflect the RCC's impact on the region's solid waste stream.

567--211.10

GRANT DENIAL

An applicant may be denied for the following reasons:

1. An applicant does not meet eligibility requirements pursuant to the provisions of these rules.
2. An applicant does not provide sufficient information requested in the application proposal pursuant to these rules.
3. The project goals or scope is not consistent with these rules.

Literature Cited

(HHWMN 1991) Household Waste Management News, November 1991.

(EPA 1986) Understanding the Small Quantity Generator Hazardous Waste Rules: A Handbook for Small Businesses, United States Environmental Protection Agency, September 1986.

(COHHWM 1993) Conference on Household Hazardous Waste Management: Seventh Annual Proceedings, March 1993.

(DANN 1992) by Carolyn Dann, published in the Conference on Household Hazardous Waste Management: Sixth Annual Proceedings, March 1992.

(COHHWM 1993(2)) Conference on Household Hazardous Waste Management: Seventh Annual Proceedings, March 1993. At least two articles address this in the proceedings: one of them is by David Galvin of Seattle, and the other is by Ned Brooks of the Minnesota Pollution Control Agency.

(Gruber 1992) by Jim Gruber, published in the Conference on Household Hazardous Waste Management: Sixth Annual Proceedings, March 1992.

Appendix A
Application Form
RCC Grant Application

Name of applicant:

Address of applicant:

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Phone number of contact person:

Documentation of resources

- Identifiable monetary resources:
- Land, buildings, or equipment:
- Insurance coverage:

Amount requested:

Appendix B: chapter 103
Appendix C: chapter 102
Appendix D: chapter 104
Appendix E: chapter 144
Appendix F: chapter 110
Appendix G: chapter 100

(A copy of Appendix B - Appendix G is on file in the department's Records Center)

Ms. Hay explained details of the RCC grant program

Brief discussion followed.

INFORMATIONAL ONLY

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

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The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION RULEMAKING STATUS REPORT March 1, 1993

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 1 - Conflict of Interest	*4/15/93	*5/12/93	*6/ /93	*6/ /93	*7/19/93	*7/19/93	*8/18/93	*9/22/93
2. Ch. 48-42 - EPA Phase V Drinking Water Standards	*4/15/93	*5/12/93	*6/ /93	*6/ /93	*7/19/93	*7/19/93	*8/18/93	*9/22/93
3. Ch. 42 - Water Supply Laboratory Certification	12/21/92	1/28/93	2/28/93	-----	3/15/93	*3/15/93	*4/14/93	*5/19/93
4. Ch. 61 - Stream Use Designation - Phase V	1/19/93	2/17/93	3/28/93	3/29/93 3/10/93	*4/15/93	*4/15/93	*5/12/93	*6/16/93
5. Ch. 100, 102 - Special Waste Authorizations	3/15/93	*4/14/93	*5/ /93	*5/04/93	*6/14/93	*6/14/93	*7/07/93	*8/11/93
6. Ch 102 - Financial Assurance Mechanism for Closure and Post-Closure Costs at Sanitary Disposal Projects	10/19/92	11/11/92	12/01/92	12/01/92 12/02/92 12/03/92	*4/15/93	*4/15/93	*5/12/93	*6/16/93
7. Ch. 119, 143 - Use of Recycled Oils for Road Oil, Etc.	3/15/93	*4/14/93	*5/ /93	*5/04/93	*6/14/93	*6/14/93	*7/07/93	*8/11/93
8. Ch. 121 - Land Appl. of Wastes (Petroleum-Contaminated Soils)	3/15/93	*4/14/93	*5/ /93	*5/04/93	*6/14/93	*6/14/93	*7/07/93	*8/11/93
9. Ch. 135 - UST, Financial Responsibility	2/15/93	3/17/93	*4/ /93	*4/06/93	*4/19/93	*4/19/93	*5/12/93	*6/16/93
10. Ch. 212 - Loans for Waste Reduction and Recycling	2/15/93	3/17/93	*4/ /93	*4/08/93	*4/19/93	*4/19/93	*5/12/93	*6/16/93
11. Ch. 213 - Packaging - Heavy Metals	2/15/93	3/17/93	*4/ /93	*4/07/93	*4/19/93	*4/19/93	*5/12/93	*6/16/93

MONTHLY VARIANCE REPORT						
Month: February, 1993						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of Council Bluffs	Wastewater Construction	Charles W. Culp	Cleanouts	Approved	02/11/93
2.	Iowa Department of Transportation - Mills County	Flood Plain	Iowa DOT	Freeboard	Approved	02/05/93
3.	Iowa Department of Transportation - Cass County	Flood Plain	Iowa DOT	Freeboard	Approved	02/12/93
4.	Iowa County Drainage District (Kimm Property)	Flood Plain	Van Winkle - Jacob Engineering	Percent Length Reduction	Approved	02/15/93
5.	City of Marathon	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	02/15/93
6.	Rapid Creek Ridge Subdivision - Johnson County	Watersupply Construction	MMS Consultants, Inc.	Siting Criteria	Approved	02/18/93

Report of Hazardous Conditions

During the period February 1, 1993 through February 28, 1993, reports of 39 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
02/12/93 Polk	A motorist at the station stole gas by removing the nozzle and driving off while the pump was still running. Approximately 45 gallons of gas was spilled. Storm sewers were not impacted by the spill.	Git-N-Go 2716 Indianola Rd. Des Moines, IA	The fire department responded. Sand was used to contain and absorb the material. The sand will be disposed at a landfill.
02/15/93 Marion	A truck carrying liquid propane took a turn too fast and rolled over on its side. Liquid propane was escaping from the truck.	Farm and Town 702 E. Jasper Pleasantville, IA	Liquid propane was released until a shut-off valve was located. Response personnel attempted to upright the truck but discovered it was still leaking. The truck was allowed to vent until it was empty.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1992

Substance Type

Mode

Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	83(87)	54(52)	8(4)	21(31)	51(42)	0(2)	25(24)	2(2)	0(0)	5(17)
Nov.	84(83)	46(56)	7(3)	21(22)	38(44)	1(1)	26(22)	0(0)	0(0)	9(13)
Dec.	67(81)	41(47)	9(7)	17(27)	37(40)	2(2)	28(28)	0(2)	0(1)	9(8)
Jan.	61(64)	47(40)	0(6)	14(18)	32(33)	1(0)	21(22)	1(1)	0(1)	4(8)
Feb.	39(61)	22(38)	2(6)	8(17)	22(36)	0(0)	13(19)	3(2)	0(0)	1(4)
March										
April										
May										
June										
July										
August										
Sept.										

Total Number Of Incidents Per Field Office This Period:

1	2	3	4	5	6
7	6	4	2	9	11

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REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of February 1, 1993 through February 28, 1993, the following number of releases from underground storage tanks were identified.

22 (37)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1992.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of February 1, 1993 through February 28, 1993, the following number of LUST cleanups were completed.

6 (546)

The number in parentheses represents the total number of LUST cleanups through February 28, 1993.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Iowa County Sanitary Landfill, Iowa County (6)	Solid Waste	Permit Condition Violations; Compliance Schedule	Order	2/04/93
William D. Ames, Woodbury County (3)	Solid Waste	Illegal Disposal	Referred to AG	2/15/93
Tony L. Hoyt d/b/a Lake Wilderness Campground, Lee County (6)	Solid Waste Air Quality	Illegal Disposal Open Burning	Referred to AG	2/15/93
Gilmore City, City of (3)	Drinking Water	MCL-Nitrate; Monitoring/Reporting- Organics; Public Notice	Order/Penalty	2/22/93
Hawarden, City of (3)	Drinking Water	MCL-Bacteria	Order/Penalty	2/22/93
Gaul's Water Commission, Burlington (6)	Drinking Water	Monitoring/Reporting- Bacteria; Public Notice	Order	2/22/93
Manilla, City of (4)	Wastewater	Effluent Limitations	Amended Order	2/22/93
New Providence, City of (2)	Drinking Water	Construction Permit	Order	2/22/93
Diversified Industries, Inc., Otho (2)	Air Quality	Open Burning	Order/Penalty	2/22/93
Shipley Construction Co., Burlington (5)	Air Quality	Operation Without Permit	Order/Penalty	2/22/93
Mason City Recycling Center, Ltd., Mason City (2)	Air Quality	Equipment Maintenance; Emission Reductions	Order/Penalty	2/22/93
Quinn Machine & Foundry Corp., Boone (5)	Air Quality	Construction Without Permit	Order	2/22/93
Holnam, Inc., Mason City (2)	Air Quality	Fugitive Dust	Order/Penalty	2/22/93

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Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Grant Halsne; Halsne, Inc., Spencer (3)	Underground Tank	Site Assessment	Order	2/22/93
Ken Soppe, Buchanan County (1)	Hazardous Condition	Remedial Activity	Order	2/22/93
Duane Pospisil d/b/a Duane's Service, Lisbon (1)	Underground Tank	Site Assessment	Order/Penalty	2/22/93
Pat Benjamin, Climbing Hill (3)	Underground Tank	Site Assessment	Order	2/22/93
William James d/b/a Bill James Agencies, Webster County (2)	Solid Waste	Illegal Disposal	Order	2/24/93
Cyclone Steeple Jacks, Inc., Nevada (5)	Air Quality	Open Burning	Order/Penalty	2/26/93

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Don Grothe d/b/a Don's Motor Mart (Lake Mills)	UT	300	9-10-92
Robert Plendl d/b/a Plendl Bros. Trucking (Kingsley)	UT	300	10-15-92
Ron Jungling d/b/a Jungling Texaco (Wellsburg)	UT	550	11-18-92
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Breeden Shop Building (Linn Co.)	FP	200	12-16-92
Dennis Doud d/b/a D & D Tire (Moravia)	UT	300	1-24-93
Jay Roy; Roy's Inc. d/b/a Jay's Service (Des Moines)	UT	1,000	1-24-93
Tim Sharp (Newton)	UT	1,000	1-25-93
Fausser Oil Company, Inc. (Elgin)	UT	1,000	1-25-93
Balbort Beverage Co. (Burlington)	UT	300	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
*Leisure Lake Inn (Bernard)	WS	50	2-15-93
Charles Hennaman (Mitchel Co.)	SW	450	2-16-93
Don Grell d/b/a Dodge Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Kevin Askins d/b/a Community Builders (Carlisle)	AQ	400	2-23-93
Dave Pittman d/b/a Pittman Construction (Des Moines)	AQ	300	2-31-93
Duane Lester d/b/a Lester Painting Co. (Des Moines)	AQ	300	3-04-93
Curnes Homes, Ltd. (Carlisle)	AQ	500	3-19-93
Vulcan Materials Co. (Linn Co.)	WW	1,500	3-25-93
Spring Grove Mobile Home Park (Burlington)	WS	200	4-02-93
Gilmore City, City of	WS	200	4-25-93
Mason City Recycling Center Ltd. (Mason City)	AQ	1,000	4-25-93
Carson Grain & Implement (Coggon)	UT	1,200	-----
Hawarden, City of	WS	1,400	-----
Diversified Industries, Inc. (Otho)	AQ	1,000	-----
Shipley Construction Co. (Burlington)	AQ	1,000	-----
Holnam Inc. (Mason City)	AQ	5,000	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	NW	200	8-21-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
Dilts Trucking, Inc. (Crescent)	UT	500	1-12-92
R.D. Loftin, DVM (Osage)	UT	300	2-12-92
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500	3-28-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92

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*Todd D. Behounek and Paul Behounek (Tama Co.)	SW	100	5-21-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-13-92
Central Paving Corporation (Indianola)	UT	300	8-20-92
Marion Stark (Kellerton)	UT	300	8-26-92
Midway Water & Lighting (Marion)	WS	860	10-07-92
Shirley Pecoy d/b/a Joe's Place (Sexton)	UT	300	10-18-92
63-80 Cafe (Malcom)	WS	1,000	10-22-92
Seven Ponds Park (Des Moines County)	WS	535	11-03-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Delano's Lounge (Washington)	WS	500	9-20-92
Reed's Interstate Sales (New Virginia)	WS	525	12-16-92
William D. Ames (Woodbury Co.)	SW	1,000	1-20-93
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Amoco Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP (Iowa City)	WW	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Poland	FP	800
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
McDowell Dam #2 (Lee Co.)	FP	500
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Westside Park for Mobile Homes (Lee Co.)	WS	250
Tower Club (Cresco)	WS	400
Wota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Dell Oil Ltd. (Sioux City)	HC	1,000
Nordstrom Oil Company (Cedar Rapids)	HC	1,000
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
D. Frank/D. Steib/Interstate Salvage (Webster Co.)	AQ	600
Linden, City of	WS	1,000
William H. Viner (Emerson)	UT	600
Partners-Four-Investments, Inc. (Rockwell)	UT	700
Farmers Cooperative Elevator (Martelle)	HC	1,000
Partners-Four-Investments, Inc. (Marble Rock)	UT	700
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Clement Auto and Truck, Inc. (Webster City)	UT	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Swaledale, City of	WS	400
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Joslin Enterprises, Ltd. (Anamosa)	UT	600
Country Estates Mobile Home Park (Long Grove)	WS	765
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Richard Newman (Des Moines Co.)	SW	500
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Ida County Sanitary Landfill (Ida Co.)	SW	1,000
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Waste Systems Corp./Ronald Roth (Winnebago Co.)	SW	1,000
Decorah, City of	UT	600
South High Point Well Assn. #1 (Iowa City)	WS	600
Case Power and Equipment (Decorah)	WS	500
Cedar Valley Corporation (Waterloo)	AQ	1,000
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Donald Ferkle (Muscatine Co.)	AQ	600
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Country Mobile Home Court (New Hampton)	WS	845
Albert Rohwer/Chelmer Flynn (Scott Co.)	SW	1,000
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Cargill, Inc. (Eddyville)	SW/WW	1,000
Gary Lalor (Wright Co.)	AQ/SW	600

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Gantz Enterprises (Dubuque)	AQ	1,000
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Hickory Acres Homeowners Assoc. (Dubuque)	WS	500
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
Midway Oil Co. (Indianola)	UT	300
Raven Corp. & Midway Oil Co. (Toledo)	UT	600
TRS Industries, Inc.; City of Des Moines (Des Moines)	SW	3,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Cargill, Inc./Walnut Grove Research (Cass Co.)	WW	1,000
Community Cooperative Oil Co. (Marcus)	UT	800
B & F Distributing d/b/a Petrol Pumper (Clear Lake)	UT	300
Karen French (Webster Co.)	FP	400
Washburn Water Co., Inc. (Waterloo)	WS	200
United Tile & Brick (Adel)	WW	500
TOTAL		3,200

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS March 1, 1993

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Al's Corner Oil Co. Carroll (4)	Hazardous Condition	Remedial Action	Order	Referred Petition Filed	12/16/91 12/16/92
American Meat Protein Corp Lytton (3)	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Motion to Add City Granted	10/21/91 4/30/92 12/16/92
Ames Golf & Country Club Ames (5)	Wastewater	Op. Violations Effluent Limits	Referred to Attorney General	Referred	8/19/91
Ames, William D. Woodbury County (3)	New Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/93
Amoco Oil Company Des Moines (5)	Underground Tank	Referred to Remedial Action	Referred Attorney General	Referred Suit Filed Trial Date	8/21/90 10/15/90 9/27/91 10/25/93
Anthon, City of (3)	Wastewater	Discharge Limits	Order	Referred	11/16/92
Behounek, Paul and Todd Tama (5)	Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed	5/18/92 12/11/92
Birzingsh, Kirzhna A. Crescent (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 12/11/92
Boley, Fred d/b/a Boley Oil McCausland (6)	Hazardous Condition	Remedial Action	Order	Referred Site Investigation Plan Petition Filed	2/17/92 9/03/92 12/14/92
Bryant, Robert D.V.M. d/b/a Cherokee Hog Farms Aurelia (3)	Updated Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information Trial Date	7/15/91 5/19/92 3/16/93
Carney, Don and Gertrude Ft. Dodge (2)	Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	4/15/91 3/23/92
Centerville, City of (5)	Wastewater	Pretreatment	Order/Penalty	Referred	10/19/92

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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Central Paving Corp. Iodienola (5)	Updated	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	10/19/92 2/25/93
Chicago, Central and Pacific R.R. Ft. Dodge (2)		Wastewater	Ming/Rptg Effluent Limits	Referred to Attorney General	Referred	9/21/92
Chicago & Northwestern Transportation Co.		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Motion to Consolidate Brief Due Respondent's Brief Due Reply Oral Arguments	8/19/91 8/14/91 9/16/91 11/21/91 12/31/91 9/01/92 10/16/92 12/21/92 3/10/93
Blue Chip Enterprises						
Hawkeye Land Company Iowa Falls (2)						
Chicago & Northwestern Transportation Co. Stanwood (6)		Air Quality	Open Burning	Referred to Attorney General	Referred	5/07/92
Cota Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court	4/15/91 4/18/91 7/21/91 8/13/91 10/21/92
Delanos Lounge Washington (6)		Drinking Water	MCL-Bacteria Ming/Rptg-Nitrate	Order/Penalty	Referred	1/19/93
Dillingham, V.R. Everly (3)		Underground Tank	Closure Investigation	Order/Penalty	Referred	6/15/92
Dills Trucking, Inc. Crescent (4)		Underground Tank	Closure Investigation	Referred to Attorney General	Referred Motion for Judgment	4/20/92 12/02/92
Dunton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	12/16/91 8/26/92
Ecology Enterprises, Inc; Hollis D. DeVoe; Michael Murray; Robert Rausch Chickasaw County (1)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	6/15/92
Ervin, Don Webster County (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Applications for Further Review Supreme Ct. Reversed Ct of Appeals	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93
Faber, Don Des Moines (5)	Updated	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Consent Decree (\$1,000/Civil; Injunction)	5/18/92 1/22/93 2/01/93

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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
First Iowa State Bank Albia (2)		Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Ruling on Petition for Judicial Review Notice of Appeal State Filed Brief	4/12/91 3/02/92 3/31/92 8/03/92
Foland, Cloyd Decorah Co. (5)	Updated	Flood Plain	Unauthorized Construction	Order Penalty	Post-Judicial Review Enforcement Supreme Court Affirmed Post-Judicial Review Enforcement	12/07/92 12/07/92 2/01/93
Giese Construction Co. Ft. Dodge (2)		Solid Waste Air Quality Burning	Illegal Dis- posal, Open	Referred to Attorney General	Referred	5/29/92
Giese Construction Co. Ft. Dodge (2)		Hazardous Cond. Wastewater	Site Contamination	Referred to Attorney General	Referred	1/19/93
Hoyt, Tony L. d/b/a Lake Wilderness Camp Lee County (6)	New	Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred	2/15/93
Humboldt County Sanitary Landfill (2)		Solid Waste	Cover Viola- tions; Other	Referred to Attorney General	Referred	5/29/92
IBP, inc. Columbus Junction (6)		Wastewater	DNR Defendant	Defense	Suit Filed Judgment for DNR Motion to Enlarge Order Denying Motion Notice of Appeal	3/17/92 10/28/92 11/06/92 12/16/92 1/11/93
Iowa City, City of (6)		Solid Waste	Cover Violations	Referred to Attorney General	Referred Petition Filed	4/20/92 1/28/93
Landfill of Des Moines, Inc. Des Moines #4 (5)		Solid Waste	Compliance Schedule, Other	Order/Penalty	Referred Petition Filed	12/16/91 9/01/92
Landfill of Des Moines, Inc. Des Moines #5 (5)		Solid Waste	Compliance Schedule, Other	Order/Penalty	Referred Petition Filed	5/18/92 9/01/92
Loftin, R. D. d/b/a Loftin Veterinary Services Osage (2)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	4/20/92 12/18/92
Luce-Moore County Sanitary Landfill (5)		Solid Waste	Other	Referred to Attorney General	Referred	5/29/92
Lytton, City of (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed (Added to AMPC)	5/18/92 12/28/92
Maasdam, Donald Rofle (3)		Solid Waste	Operation Without Permit	Order	Referred Petition Filed	1/21/92 8/26/92
MacMillan Oil Co., Inc.; The Graham Group, Inc. Des Moines (5)		Wastewater	Prohibited Dis- charge; Remedial Action	Referred to Attorney General	Referred	7/20/92
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKiniss Excavating & Grading v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and bifurcation	3/12/91 5/01/91 3/26/92
Midway Water & Lighting Marion (1)		Drinking Water	Mtrg. Rptg. MCL-Bacteria	Order/Penalty	Referred	12/21/92

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Midwest Environmental Law Center v. EPC	Air Quality	DNR Defendant	Defense	Suit Filed Motion for Summary Judgment Summary Judgment Denied Trial Petitioner's Brief Due State's Brief Due	12/03/91 4/10/92 5/22/92 12/22/92 1/15/93 1/29/93
Monfort, Inc. Des Moines (5)	Updated Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Info. Filed (Polk Co.) Pre-Trial Hearing Trial Date Guilty Verdict Motion for New Trial Hearing on Motion	12/11/89 7/19/91 7/31/92 1/23/93 1/25/93 2/12/93 3/16/93
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Mtrg/Rptg Nitrate, Other	Order Penalty	Referred	11/16/92
Murquin, Craig d/b/a Seven Ponds Park Sperry (6)	Drinking Water	Mtrg/Rptg Bacteria & Nitrate	Order/Penalty	Referred	12/21/92
Nollen, Harold d/b/a Nollen Phillips 66 Harlan (4)	Underground Tank	Closure Investigation	Referred to Attorney General	Referred	4/20/92
Page, Leonard Kent (4)	Updated Underground Tank	Closure Investigation	Order Penalty	Referred Closed Administratively	6/15/92 2/26/93
Pecoy, Shirley d/b/a Joe's Place Sexton (2)	Updated Underground Tank	Closure Investigation	Order/Penalty	Referred Closed Administratively	11/16/92 2/26/93
Pringle, Michael and Brenda d/b/a Follet's Tap Camanche (6)	Drinking Water	Mtrg/Rptg. Bacteria/Nitrate	Referred to Attorney General	Referred	6/15/92
Prins, John; Bradford Paving Bradford (2)	Underground Tank	Closure Investigation	Order	Referred Petition Filed	10/19/92 12/24/92
Rankin, Neil d/b/a Rankin Rooting & Siding Knoxville (5)	Air Quality	Open Burning	Order/Penalty	Referred	12/21/92
Reeds Interstate Sales New Virginia (5)	Drinking Water	MCL-Bacteria Mtrg/Rptg.- Bacteria	Order/Penalty	Referred	1/19/93
Sedler, Bernard and Ger Mar Farms, Inc. Allamakee Co. (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	9/21/92 12/24/92

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Schultz, Albert and Iowa Iron Works Ely (1)	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Trial Date	9/20/89 5/08/90 4/19/93
Shelley, Roberto and Sally Guthrie Center (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date Ruling (\$1,000/Admin.; Clean-up Ordered) Notice of Appeal Appellant's Brief State's Brief	4/15/91 7/18/91 5/19/92 8/25/92 9/17/92 11/09/92 1/11/93
Smith, Don Dallas Center (5)	Underground Tank	Closure Investigation/ Failure to Register	Order	Referred	10/19/92
Soo Line Railroad Co. Mason City (2)	Wastewater Hsz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred Petition Filed	7/15/91 12/17/92
Stark, Marion Kellerton (4)	Underground Tank	Closure Investigation	Order/Penalty	Referred	10/19/92
Staring, Vern Perry (5)	Solid Waste	Illegal Disposal	Order	Referred	11/16/92
Tama City of (5)	Updated Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed	6/15/92 2/26/93
Tandem-Oak Park Assoc. Fort Dodge (2)	Drinking Water	Mtrg/Rptg Beacrie Inorg. Organics/Rads.	Order/Penalty	Referred	7/20/92
Van Hulzen, Kenneth Oskaloosa (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Motion for Judgment	6/15/92 12/02/92
Vonderhaar, Leonard Holy Cross (1)	Air Quality	Open Burning	Referred to Attorney General	Referred	8/17/92
Winterset, City of (5)	Wastewater	Effluent Limits	Referred to Attorney General	Referred	7/20/92
Wunschel, Vernus Ida Grove (3)	Underground Tank	Closure Investigation	Order/Penalty	Referred	2/17/92
Yentex, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/20/92 11/23/92
Young Radiator Co. Centerville (5)	Wastewater	Pretreatment	Order	Referred	11/15/92

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Delwin Soil Service	Administrative Order	WM	Landa	Hearing continued.
5-12-87	Iowa City Regency MHP	Administrative Order	WM	Hansen	Facility required to provide schedule.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Appealed to Supreme Court.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	SCR submitted - more work required.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review.
1-25-89	Amoco Oil Co. - Des Moines 7LYY03	Administrative Order	UT	Wornson	Clean-up progressing. Review progress.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Wornson	Compliance initiated. Review progress.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-12-89	Amara	Site Registry	HC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	Petition for judicial review of agency action.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
11-20-89	FFCA/IIP	Site Registry	HC	Murphy	Considering dismissal.
4-23-90	Sioux City, City of	Administrative Order	WM	Hansen	Amended order to be issued.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	Landa	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WM	Hansen	City response under review by EPD.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Settlement negotiations unsuccessful. Sent to DIA.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. and Tracy A. Carroll	Administrative Order	WR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	Case completed. Settled.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7-23-90	IBP, Inc. Perry	Administrative Order NPDES Permit	WM	Hansen	Final amended permit issued 8/16/92. 2/93 letter sent requesting appeal be closed.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	WM	Lande	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	WM	Preziosi	Hearing set for 5/3/93.
9-10-90	IBP, Inc. Columbus Junction	Administrative Order NPDES Permit	WM	Hansen	Appealed to Polk Co. District Court. Judgment for DNR. Appealed to Supreme Court.
9-12-90	Michael & Joyce News; George H. Gronau	Administrative Order	UT	Wornson	Finalize settlement re: SCR.
9-20-90	Duane Schuering	Variance Denial	SW	Kennedy	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Investigate alternatives-finalize inability, etc.
10-18-90	Harlan Pruess	Claim	WC	Murphy	Proposed decision - 2/18/93.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Wornson	Settlement close.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	WC	Preziosi	Hearing continued to 8/09/93.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Preziosi	Negotiating settlement.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WM	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WM	Hansen	Letter sent 9/4/92 regarding resolution of appeal. Permit limits & WLA under review by EPS.
5-16-91	Oskaloosa, City of	Administrative Order	WM	Hansen	Letter sent 9/4/92 regarding resolution of appeal.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	WC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	WC	Murphy	Firestone proceeding with site investigation.
7-22-91	Rupp Tire	Administrative Order	UT	Wornson	Consent order drafted. Awaiting execution.
7-26-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	WC	Murphy	Hearing continued. Compliance nearing completion.
8-29-91	Iowa Southern Utilities	Certificate to Construct AQ		Preziosi	Settled.
9-04-91	Duane Arnold Energy Center	Permit Condition	WM	Hansen	2/23/93 Dept. letter regarding settlement. 2/26/93 offer accepted - permits to be revised.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
9-27-91	Battle Creek, City of	Administrative Order	WS	Hansen	2/93 Dept. letter re: closing appeal - issues resolved.

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES March 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10-02-91	IBP, Inc. - Storm Lake	Permit Conditions	WM	Hansen	2/93 Dept. letter re: informal meeting and resolving appeal.
10-30-91	West Liberty, City of	Permit Conditions	WM	Hansen	Appeal resolved-amended NPDES permit to be issued.
12-03-91	State Central Bank	Administrative Order	UT	Wornson	Settlement signed. Closure report due 3/93.
12-05-91	Tower Club	Administrative Order	WS	Hansen	Report submitted to EPB/reviewed by WS. 2/93 Dept. letter re: settlement.
12-31-91	Linden Water Supply	Administrative Order	WS	Hansen	Sent to DIA.
1-07-92	Viota, City of	Administrative Order	US	Hansen	2/93 revised report reviewed by WS - new schedule proposed.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Ltr. received 7/28/92 regarding compliance.
1-21-92	Dell Oil, Ltd.	Administrative Order	WC	Wornson	Explore settlement-before the EPC.
1-30-92	Center Oil Co., Inc.	Administrative Order	WC	Murphy	Negotiating before filing.
2-25-92	Wardstrom Oil Co.	Administrative Order	WC	Murphy	Negotiating before filing; compliance initiated.
2-28-92	William M. Viner	Administrative Order	UT	Wornson	Consent order drafted. Awaiting execution.
3-12-92	Farmers Cooperative Elevator - Martelle	Administrative Order	WC	Murphy	Negotiating before filing; compliance initiated.
3-23-92	Partners-Four Investments-Rockwell	Administrative Order	UT	Wornson	Penalty settlement accepted/awaiting payment.
3-23-92	Partners-Four Investments-Marble Rock	Administrative Order	UT	Wornson	Penalty settlement accepted/awaiting payment.
3-30-92	White Consolidated Industries	Administrative Order	WM	Hansen	Negotiating before filing.
4-03-92	Charles P. Schafer; Stringtown Properties; First Community National Bank	Administrative Order	UT	Wornson	Hearing set for 3/12/93. Discovery initiated.
4-06-92	Community Cooperative Oil Co. - Marcus	Administrative Order	UT	Wornson	Penalty paid. Settled.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Hearing continued until further order.
4-09-92	Wayne Transports, Inc.	Administrative Order	WM	Murphy	Negotiating before filing.
4-13-92	Stringtown Country Cafe	Administrative Order	WS	Hansen	Emergency AD issued supplementing 2nd Emergency AD
4-14-92	Clement Auto & Truck, Inc.	Administrative Order	UT	Wornson	Settled. Awaiting penalty payment.
4-15-92	Mulgrew Oil Co.	Administrative Order	WC	Wornson	Negotiating before filing.
4-16-92	Sveledale, City of	Administrative Order	WS	Hansen	City report submitted. Next report due 2/93.
4-17-92	John M. Steud d/b/a Mr. Convenient	Administrative Order	UT	Wornson	Settled.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	Negotiating before filing.
5-05-92	Lincoln Farm & Home Service	Administrative Order	WM	Murphy	Negotiating before filing; compliance close.

Environmental Protection Commission Minutes

March 1993

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES March 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WJ	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AG	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-05-92	Wilson Foods	Permit Denial	AG	Preziosi	Negotiating before filing.
6-10-92	Marjorie Jarvis	Administrative Order	UT	Wornson	Settled.
6-15-92	Country Estates MHP	Administrative Order	WS	Clark	Negotiating before filing.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SU	Kennedy	Negotiating before filing.
6-24-92	Karl Ludwig; Jena, Inc.; Moto Oil Co.; TFM Co.	Administrative Order	UT	Wornson	Settlement proposed. Hearing 3/25/93. - join 1901.
6-26-92 10-05-92 1-12-93	Waste Systems Corp. and Robert Roth d/b/a Winnebago Co. SLF	Administrative Order Denial of Comp. Plan Amended Order	SU	Kennedy	Stay hearing 2/10/93.
7-01-92	Richard A. Newman	Administrative Order	SU	Kennedy	Negotiating before filing.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WJ	Murphy	Firestone proceeding with site investigation
7-24-92	LaVerna Rehder	Administrative Order	UT	Wornson	Closed.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SU	Kennedy	Negotiating before filing.
8-13-92	Ida County Sanitary Landfill	Administrative Order	SU	Kennedy	Negotiating before filing.
8-13-92	Iowa Conference of the United Church of Christ	Administrative Order	FP	Clark	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
8-27-92	Decatur City, City of	Administrative Order	UT	Wornson	Compliance initiated-awaiting report.
8-31-92	Cedar Valley Corp.	Administrative Order	AG	Preziosi	Negotiating before filing.
9-02-92	South High Point Well Assn. #1	Administrative Order	WS	Hansen	Hearing set for 4/2/93. 2/93 Dept. settlement offer to facility.
9-03-92	Casa Power and Equipment	Administrative Order	WS	Hansen	Letter from Casa's attorney dated 10/16/92. DNR response - 10/22/92.
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	WS	Clark	Negotiating before filing.

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
March 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
9-21-92	ITUC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace NHP	Administrative Order	WJ	Hansen	Negotiating before filing.
9-28-92	Don Ferkel	Administrative Order	AQ	Preziosi	Settlement close.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-07-92	E. Kent and Joan Cooper	Administrative Order	UT	Wornson	Motion to join. Notice to additional party.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Negotiating before filing.
10-16-92	Country Mobile Home Court	Administrative Order	WS	Hansen	2/93 Dept. letter to attorney re: settlement.
10-16-92	Ron Jungling d/b/a Jungling Service	Administrative Order	UT	Wornson	Confirming compliance. Negotiating penalty.
10-16-92	Ames, City of; Cy-Ride	Permit Denial	AQ	Preziosi	Negotiating before filing.
10-28-92	Albert Rohwer, Jr.	Administrative Order	SW	Kennedy	Negotiating before filing.
11-13-92	Cargill Incorporated d/b/a Walnut Grove Products	Administrative Order	WJ	Murphy	Settled.
11-13-92	Tracy Below	Administrative Order	WJ	Clark	Hearing set for 3/2/93.
11-16-92	Grand Laboratories Inc.	Administrative Order	WJ	Hansen	12/92 Site assessment submitted. 2/93 FOS comment letter re: site assessment. Letter requests revised site assessment plan by 3/93.
11-16-92	Frank Mulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
11-23-92	Cargill, Inc.	Administrative Order	SW/WJ	Kennedy	Informal meeting 12/4/92.
12-14-92	Quantum	Permit Conditions	WJ	Hansen	1/23/93 - info submitted for EPA review. Informal meeting to be scheduled when review completed.
12-14-92	Gary Lelor	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
12-15-92	ISP, inc. Geneseo, IL	SMA Denial	SW	Kennedy	Negotiating before filing.
12-17-92	Gantz Enterprises	Administrative Order	AQ	Preziosi	Settled.
1-07-93	Hickory Acres Homeowners Assn.	Administrative Order	WS	Hansen	Settled.
1-12-93	Chicago & North Western Transportation Co.	Administrative Order	HC	Wornson	Negotiating before filing.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-26-93	John Deere Waterloo Works	Tax Certification	WJ	Hansen	New case.
1-28-93	Midway Oil Company (Indiana)	Administrative Order	UT	Wornson	Negotiating before filing..
1-28-93	Raven Corp.; Midway Oil Co. (Toledo)	Administrative Order	UT	Wornson	Negotiating before filing.
1-28-93	Lehigh Portland Cement	Permit Conditions	WJ	Hansen	Negotiating before filing.
1-29-93	Case Corporation	Permit Conditions	WS	Hansen	New case.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	New case.

E93Mar-58

Mr. Stokes noted that an individual report on the E-Team Budget was distributed to each Commissioner. He gave a detailed report of the budget and noted that the E-Team budget, at this time, consists of \$75,000 grant and matching funds, and \$14,500 court ordered payments for a total of \$89,500.

Clark Yeager asked about an oil spill on the Des Moines River last week and the E-Team's involvement in it.

Mr. Stokes stated that DNR had a part in the early investigation and the E-Team was called in to check for potential criminal aspects.

Discussion followed regarding the E-Team budget as well as various issues/cases in the reports.

INFORMATIONAL ONLY

EMERGENCY RULE--CHAPTER 82, WELL CONTRACTOR CERTIFICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission may be requested to approve changes to Chapter 82 - Well Contractor Certification that were approved in November, 1992. At the January 5, 1993 Administrative Rules Review Committee (ARRC) meeting, the committee delayed the effective date of several subrules. These subrules are 82.1, 82.2(2), 82.3, 82.6(1) and 82.6(2). The letter from the ARRC is attached.

Since receiving this letter, the Department has met with the Well Contractor Council once and has had an informal meeting with concerned legislators. Another meeting is scheduled with the Well Contractor Council for March 11, 1993. Based on the outcome of the March 11, 1993 meeting, a proposal to modify the rules through the emergency rule making procedure may be presented to the Commission.

If any action is requested it will be based on resolving the objections of the ARRC and have the support of the Well Contractor Council. The emergency rule making process will be requested so that the Department can schedule test for people needing to be certified by the July 1, 1993 deadline called for in the law. The Department would also request that any rule changes approved for emergency adoption would be approved to be placed on notice for public hearing.

March 1993

Environmental Protection Commission Minutes



ARRC

IOWA GENERAL ASSEMBLY

ADMINISTRATIVE RULES REVIEW COMMITTEE

SENATE MEMBERS

BERL E. PRIEBE
CHAIR

DONALD V. DOYLE

H. KAY HEDGE

JOHN P. KIBBIE

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SECRETARY EX OFFICIO

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COUNSEL

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VICE CHAIR

RUHL MAULSBY

JANET METCALF

DAVID SCHRADER

JANE TEAFORD

January 7, 1993

ENVIRONMENTAL PROTECTION COMMISSION

Attn: Mr. Darrell McAllister
Wallace State Office Building
L O C A :L

Re: SESSION DELAY, ARC 3623A, rule 82.1, subrule 82.2(2), rule 82.3, subrule 82.6(1) and subrule 82.6(2), all relating to qualifications for well contractors

Dear Mr. McAllister:

At its' January 5, 1993 meeting the committee reviewed rules, promulgated by the Environmental Protection Commission, relating to well contractors. These rules are adopted in final form and are published as ARC 3623A in IAB Vol. XV, No. 12 (12-09-92). For reasons outlined below the Committee has decided to delay the effective date of rule 82.1, subrule 82.2(2), rule 82.3, subrule 82.6(1) and subrule 82.6(2) until the adjournment of the 1993 session of the General Assembly.

The committee's concern is two-fold. First, neither the statute nor the rule make it clear that the certification requirements do not apply to persons doing their own work on their own wells. The committee believes that it was the legislatures intent to exempt these requirements. Second, a number of the requirements set out in the rules are not authorized in the Act. These requirements were not contemplated by the legislature and should not be added in regulation.

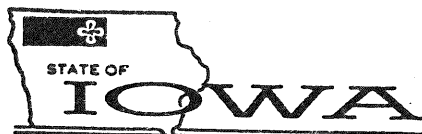
For this reason the committee delayed the specified rules and will refer them to the General Assembly along with the recommendation that legislation be adopted to supersede these rules. If the General Assembly takes no action, the rules will become effective the day following adjournment.

Sincerely,

Joe Royce
Joseph Royce

STATEHOUSE • ROOM 116 • DES MOINES, IOWA 50319 • (515) 281-3084/3355
FAX (515) 281-5995

E93Mar-60



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
LARRY J. WILSON, DIRECTOR

March 12, 1993

On March 11, 1993 the Well Contractor Council met to discuss proposed revisions to Chapter 82, Well Contractor Certification. The Well Contractor Council approved the proposed revisions to Chapter 82 and recommends to the Environmental Protection Commission that the proposed revision be adopted through the emergency rulemaking process. The adoption of the rules through the emergency rulemaking process will allow the rules to become effective on the date they are filed with the Code Editor.

In November, 1992 the Commission adopted Chapter 82. At the January 5, 1993 Administrative Rules Review Committee (ARRC) meeting, the ARRC delayed the effective date of rule 82.1, subrule 82.2(2), rule 82.3, subrule 82.6(1) and subrule 82.6(2). See letter attached to agenda item. On February 15, 1993 there was an informal meeting between several legislators, members of the Well Contractor Council, DNR staff and several well contractors. It was pointed out in this meeting by the legislators that if the rules were not changed it was probable that the law authorizing a well contractor program would be modified to eliminate the program.

Following this meeting, changes were made to Chapter 82 to satisfy the concerns of the ARRC. These changes were provided to the staff of the ARRC for their review and to the chairs of both the senate and house committees that were asked to review the rules by the ARRC. The proposed changes were acceptable and it was agreed that they would resolve the objections of the ARRC.

At the informal meeting on February 15, 1993, the chair of the ARRC recommended to staff that the proposed changes be adopted through the emergency rulemaking procedure. This would allow the department to move ahead with implementation of the program and allow well contractor to be certified by the July 1, 1993 compliance deadline contained in the law. Therefore, the department request that the Commission adopt the proposed changes through the emergency rulemaking process and approve a Notice of Intended Action for a public hearing to take place.

The public hearing will occur after the rules are effective but will allow interested parties an opportunity to comment on the proposed changes.

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WALLACE STATE OFFICE BUILDING / DES MOINES, IOWA 50319 / 515-281-5145 / TDD 515-242-5967

E93Mar-61

CHAPTER 82
WELL CONTRACTOR CERTIFICATION

567 -82.1(455B) Definitions. In addition to the definitions in Iowa Code sections 455B.171 and 455B.190 and Iowa Code Supplement section 455B.190A, which are hereby adopted by reference, the following definitions shall apply to this chapter:

"Classification" means one of ~~four~~ two levels of well contractor certification, designated as either well contractor, ~~pump installer, or~~ provisional certified well contractor ~~or provisional pump installer. All four~~ Both are referred to as certified well contractor in the following rules unless specifically identified otherwise.

"Continuing education unit (CEU)" means ten contact hours of participation in an organized education experience under responsible sponsorship, capable direction, and qualified instruction.

"Direct charge" means the certified well contractor at the well site responsible for assuring that the well services are performed as required in 567 - Chapters 38, 39, 43, 49 and 110.

~~"Pump services" means the installation, repair or maintenance of water well pumps.~~

"Water well" means any excavation that is drilled, cored, bored, augured, washed, driven, dug, jetted, or other wise constructed for the purpose of exploring for groundwater, monitoring groundwater, utilizing the geothermal properties of the ground, or extracting water from or injecting water into the aquifer. "Water well" does not include an open ditch, or drain tiles or an excavation made for obtaining or prospecting for oil, natural gas, minerals, or products mined or quarried.

"Well services" means new well construction, well reconstruction, installation of pitless equipment, or well plugging.

567-82.2(455B) General.

82.2(1) ~~Any~~ All well services ~~or pump services~~ provided on or after July 1, 1993 shall be performed by a well contractor who has been certified by the department pursuant to this chapter. Except that a person may construct or reconstruct a well, install pitless equipment or plug a well on their own property without being certified.

82.2(2) ~~Certified well contractors certified as well contractors or provisional certified well contractors are limited to providing well services. Certified well contractors certified as pump installers or provisional pump installers are limited to providing pump services and well plugging. To provide both well services and pump services, a certified well contractor shall be certified as a well contractor or provisional certified well contractor, and a pump installer or provisional pump installer.~~

82.2(3) A certified well contractor shall be present at the well site and in direct charge of the well services ~~or pump services~~ being performed or provided.

82.2(4) Any person who is responsible for providing well services ~~or pump services~~ shall be certified. Except that a person may construct or reconstruct a well, install pitless equipment or plug a well on their own property without being certified.

82.2(5) A certified well contractor currently certified, may obtain a duplicate certificate upon payment of the same fee as required for renewal of a certificate.

82.2(6) RESERVED

82.2(7) RESERVED

82.2(8) Any certified well contractor who possesses a certificate must report to the department a change in address within 30 days after the change.

82.2(9) RESERVED

567- 82.3(455B) Classification of well contractors.

82.3(1) Classifications. There shall be ~~four~~ two classifications of certified well contractors.

1. well contractor;
2. provisional certified well contractor;
- ~~3. pump installer; and~~
- ~~4. provisional pump installer.~~

82.3(2) A certified well contractor has met ~~all of the education and~~ experience requirements, has successfully completed the well contractor certification test and has been issued a certificate by the department.

82.3(3) A provisional certified well contractor ~~or provisional pump installer~~ does not meet all the ~~education or~~ experience requirements for a certified well contractor but does meet the following requirements:

a. Signs a statement on the application form that there is a shortage of certified well contractors ~~in the geographical area of the state in which they desire to operate;~~

b. Completes and submits an application documenting at least one year of work experience in well services ~~or pump services~~ performed under the direct supervision of a certified well contractor;

c. The application includes a signature of a certified well contractor who employs the applicant for provisional certification. By signing the application the certified well contractor certifies to be jointly liable for violations of the rules regarding well services ~~or pump services~~ by the

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Environmental Protection Commission Minutes

provisionally certified well contractor ~~or provisional pump installer~~ and that the violation is grounds for suspension or revocation of the certification of the certified well contractor and the provisionally certified well contractor ~~or provisional pump installer~~; and

d. Successfully completes the examination.

82.3(4) The provisional certified well contractor ~~or provisional pump installer~~ shall become a certified well contractor after the submission of an application and appropriate fees to the department showing all requirements for certification have been met. The certificate for a provisional certified well contractor ~~or provisional pump installer~~ will be issued for one year. The department will issue a well contractor ~~or pump installer~~ certificate after the one year period and receipt of appropriate fees.

567- 82.4(455B) RESERVED

567 -82.5(455B) RESERVED

567- 82.6(455B) ~~Education and~~ Experience requirements.

82.6(1) All applicants shall meet the ~~education and~~ experience requirements as shown below.

CLASSIFICATION	EXPERIENCE	EDUCATION
WELL CONTRACTOR	TWO YEARS	HIGH SCHOOL or GED
PUMP INSTALLER	TWO YEARS	HIGH SCHOOL or GED
PROVISIONAL CERTIFIED WELL CONTRACTOR	ONE YEAR	HIGH SCHOOL or GED
PROVISIONAL PUMP INSTALLER	ONE YEAR	HIGH SCHOOL or GED

82.6(2) ~~The education requirements become effective on July 1, 1998. After July 1, 1998, the educational requirements will only apply to new applicants.~~

567-82.7(455B) Fees.

82.7(1) The examination fee for each examination shall be \$50.

82.7(2) The initial certification fee shall be \$75 for each one-half year or partial one-half year from the date of issuance to June 30, 1996. After July 1, 1996 the initial certification fee shall be \$75 for each one-half year of a two-year period from the date of issuance to June 30 of even-numbered years.

82.7(3) The penalty fee shall be \$100. The penalty fee is for late payment of the initial certification fee or renewal fee.

82.7(4) The certification renewal fee shall be \$100 for the two-year period.

567-82.8(455B) Examinations.

82.8(1) All persons wishing to take the examination required to become a certified water well contractor shall complete the "Water Well Contractor Certification Examination Application," Form 43970. A listing of dates and locations of examinations is available from the department upon request. The application form requires the applicant to indicate educational background, training and past experience in providing well services. The completed application and the application fee shall be sent to the director and addressed to the department in Des Moines. Application for examination must be received by the department at least 30 days prior to the date of examination.

82.8(2) The director shall designate department personnel to evaluate all applications for examination, certification and renewal of certification. The director will review applications when it is indicated the applicant has falsified information or when questions arise concerning an applicant's qualifications of eligibility for examination or certification.

82.8(3) A properly completed application for examination will be valid for one year from the date the application is approved by the department.

82.8(4) An applicant who does not qualify for examination at the time of application will have the examination fee refunded if the applicant cannot qualify for examination within one year. If the applicant will qualify for a scheduled examination within one year the applicant will be notified when the examination may be taken and the fee will not be refunded.

82.8(5) Upon failure of the first examination, the applicant may be reexamined at the next two scheduled examinations. Upon failure of the third examination, the applicant shall be required to wait a period of 90 days between each subsequent examination.

82.8(6) Upon each reexamination when a valid application is on file, the applicant shall submit to the department the examination fee at least ten days prior to the date of examination.

82.8(7) Failure to successfully complete the examination within one year from the date of approval of the application shall invalidate the application.

82.8(8) Completed examinations will be retained by the director for a period of one year after which they will be destroyed.

82.8(9) Oral examinations.

a. Upon written request by an applicant for certification, the director will consider the presentation of an oral examination on an individual basis when: the applicant has failed the written examination at least three times; the applicant has shown difficulty in reading or understanding written questions but may be able to respond in oral questioning; the applicant is capable of communicating in writing with regard to departmental requirements and inquiries; and the director has received a written recommendation for an oral examination from a department staff member attesting to the operational and performance capabilities of the applicant. The director shall designate department personnel to administer the examination.

b. The exam shall contain practical questions pertaining to groundwater law, well construction, well maintenance, and well abandonment.

567-82.9(455B) Certification.

82.9(1) All applicants for certification shall successfully complete and pass an examination prior to receiving certification.

82.9(2) Application for certification must be received by the department within 30 days of the date the applicant receives notification of successful completion of the examination. All applications for certification shall be made on a form provided by the department and shall be accompanied by the certification fee.

82.9(3) Applications for certification by examination which are received more than 30 days but less than 60 days after notification of successful completion of the examination shall be accompanied by the certification fee and the penalty fee. Applicants who do not apply for certification within 60 days' notice of successful completion of the examination will not be certified on the basis of that examination.

82.9(4) Applicants may appeal a denial of certification pursuant to Chapter 7.

567-82.10(455B) Renewals.

82.10(1) Renewal period. All certificates shall expire on June 30 of even-numbered years and must be renewed every two years in order to maintain certification. However the first certification period shall be for three years starting July 1, 1993 and ending June 30, 1996.

82.10(2) Application for renewal will be mailed to all certified well contractors two months prior to the expiration date of their certificates. Application for renewal must be made in accordance with this rule and the instructions on the form in order to renew the certificate for the

next two years. Application for renewal of a certificate without penalty must be received by the director or postmarked prior to the expiration of the certificate, and shall be accompanied by the certification renewal fee.

82.10(3) Late application for renewal of a certificate may be made provided that such late application shall be received by the director or postmarked within 30 days of the expiration of the certificate, on forms provided by the department. Such late application shall be accompanied by the penalty fee and the certification renewal fee.

82.10(4) If a certificate holder fails to renew within 30 days following expiration of the certificate, the right to renew the certificate automatically terminates. Certification may be allowed at any time following such termination, provided that the applicant successfully completes an examination. The applicant must then apply for certification in accordance with 82.9(455B).

82.10(5) A certified well contractor may not continue to provide well services or ~~pump services~~ after expiration of a certificate without renewal thereof.

82.10(6) Continuing education must be earned during July 1, 1993 through March 31, 1996 for the initial certification period and must be earned during two year periods beginning on April 1, 1996 and ending March 31 of even number years thereafter. A certified well contractor must earn two units or twenty contact hours during each two-year period. Newly certified well contractors (previously uncertified) who became certified after April 1 of a two-year period will not be required to earn CEU's until the next two-year period.

82.10(7) Beginning July 1, 1994, and in succeeding even-numbered years, only those certified well contractors fulfilling the continuing education requirements before the end of each two-year period (March 31) will be allowed to renew their certificate. The certificate of certified well contractors not fulfilling the continuing education requirements shall expire on June 30 of the applicable biennium.

82.10(8) All activities for which continuing education credit will be granted must be approved by the department, college or university and shall be related to well services, ~~pump services~~, relevant aspects of Iowa groundwater law, well construction, well maintenance, and well abandonment practices which protect groundwater and water supplies.

82.10(9) The director may, in individual cases involving hardship or extenuating circumstances, grant an extension of time of up to three months within which to fulfill the minimum continuing education requirements. Hardship or extenuating circumstances include documented health-related confinement or other circumstances beyond the control of the certified well contractor which prevent attendance at the required activities. All requests for extensions must be made prior to March 31 of each biennium.

82.10(10) It is the certified well contractor's responsibility to notify the department of the continuing education credit earned during the period. The continuing education credits earned during the period shall be shown on the application for renewal.

82.10(11) A certified well contractor shall be deemed to have complied with the continuing education requirements of this rule during periods that the certified well contractor serves honorably on active duty in the military services, or for periods that the certified well contractor is a resident of another state or district having a continuing education requirement for certified well contractors and meets all the requirements of that state or district for practice there, or for periods that the person is a government employee working as a well contractor and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the director.

567-82.12(455B) Certified Well Contractor Obligations

82.12(1) Submission of records and samples. Each certified well contractor shall submit drilling records and drill cutting samples to the Geological Survey Bureau, Department of Natural Resources, Oakdale Campus, University of Iowa, Iowa City, Iowa 52242 (319)335-1575 as follows:

a. Within 30 days of completion of any water well used as part of a public water supply, well used for withdrawal of water for which a permit is required by rule 50.1(455B) or wells used to monitor groundwater quantity or quality required by the department if so directed by the Geological Survey Bureau, Department of Natural Resources. The certified well contractor must submit the drilling records and samples required by subrule 82.12(2) and (3).

b. Within 30 days of the completion of any water well used as part of a nonpublic water supply or other water wells used to access groundwater.

c. Prior to constructing a water well to be used as part of a nonpublic water supply or other water well used to access groundwater, the certified well contractor must contact the local health department in the county in which the water well is to be located to determine if submittal of drill cutting samples is required.

82.12(2) Drilling Records and Samples. Drilling records and drilling cutting samples must be submitted in the water well driller's notebook and drill cutting sample bags provided by the Geological Survey Bureau, Department of Natural Resources.

82.12(3) Water well log. The water well driller's log shall include the following:

- a. Location and legal description (quarter section, section number, township, range and county).
- b. Reference point for all depth measurements.
- c. Depth at which each significant change of formation occurs.

d. Depth at which pump is set, the nonpumping and pumping water levels in the well measured from the land surface and the rate and duration the well was pumped.

e. Identification of the material of which each significant stratum is composed.

f. Depth at which hole diameters (bit sizes) change.

g. Normal hole diameter of the well bore.

h. Total depth of the completed hole.

i. Depth or location of any lost drilling fluids, drilling materials, or tools.

j. Casing depth, grouting schedule including materials used and method of placement, description of the well casing and liner pipe.

k. Description of well screens including diameter, length, material slot sizes, amount of open area, and location in well.

l. Description of physical and chemical well development activities.

82.12(4) Cutting samples. Drilling cutting samples shall be collected at intervals of five feet and at each pronounced change in geological formation.

82.12(5) Test pumping. Certified well contractors shall provide the requested test pumping data for water wells used as part of a public water supply pursuant to subrule 41.12(2) and for water wells utilized as part of a regulated water use pursuant to subrule 50.6(1).

567- 82.13(455B) Discipline of certified well contractors.

82.13(1) Disciplinary action may be taken against a certified well contractor on any of the grounds specified in 1991 Iowa Code Supplement section 455B.190A, and the following more specific grounds. Iowa Code section 455B.109 authorizes the assessment of administrative penalties for violations of Iowa Code Chapter 455B or rules, permits and orders promulgated or issued pursuant to 455B. The department will follow 567 - Chapter 10 for assessing such penalties.

a. knowingly making any false statement, representation, or certification on any application, record, report or document required to be maintained or submitted under any applicable permit or rule of the department.

b. failure to renew certification.

c. failure to obtain required continuing education units.

d. failure to submit required records or other reports required under applicable permits or rules of the department; including failure to submit complete records or reports.

e. failure to use reasonable care or judgement or to apply knowledge or ability in performing the duties of a certified well contractor.

f. violation of well construction standards or other requirements contained in 567 - Chapters 38, 39, 43, 49, and 110.

g. failure to advise a person for whom ~~a water well~~ services are ~~is being provided drilled or pump installed~~ that a hazardous or potentially hazardous condition, as defined in Iowa Code section 455B.381(2), has been encountered.

h. knowingly causing or allowing a hazardous or potentially hazardous condition due to well construction ~~or pump installation~~ to exist.

82.13(2) Disciplinary sanctions allowable are:

a. Revocation of a certificate.

b. Revocation or suspension of the practice of a particular aspect of the contractors responsibility.

c. Probation under specified conditions relevant to the specific grounds for disciplinary action. Additional education or training, or reexamination may be required as a condition of probation.

82.13(3) Procedure.

a. The director shall initiate disciplinary action.

The commission may direct that the director investigate any alleged factual situation that may be grounds for disciplinary action under 82.13(1), and report the results of the investigation to the commission.

b. A disciplinary action may be prosecuted by the director.

c. Written notice by certified mail shall be given to a certified well contractor against whom disciplinary action is being considered, at least 20 days in advance, that an informal hearing before the commission at a specific date, time and place has been scheduled for the certified well contractor, at which the commission will determine whether a formal hearing is warranted or whether informal resolution can be reached. The certified well contractor may present any relevant facts and indicate the certified well contractor's position in the matter.

d. A certified well contractor who receives notice of informal hearing shall communicate verbally or in writing or in person with the director and efforts shall be made to clarify the

respective positions of the certified well contractor and director. The staff may then come with a recommendation to the commission at the informal hearing concerning disciplinary sanction.

e. Failure to attend the informal hearing or otherwise communicate facts and position relevant to the matter by the scheduled date will be considered by the commission when determining whether a formal hearing is warranted.

f. If agreement as to appropriate disciplinary sanction, if any, can be reached with the certified well contractor and the commission concurs, a written stipulation and settlement between the department and the certified well contractor shall be entered. The stipulation and settlement shall recite the basic facts and violations alleged, any facts brought forth by the certified well contractor and the reasons for the particular sanctions imposed.

g. If the commission determines that no disciplinary action is warranted on the facts asserted, the certified well contractor shall be notified of the decision in writing.

h. If the commission determines that an opportunity for formal hearing is required to impose any disciplinary sanction specified in 82.13(2), the director shall proceed in accordance with chapter 7.

567- 82.14(455B,258A) Revocation of certificates.

Upon revocation of a certificate in accordance with the authority provided in 1991 Iowa Code Supplement section 455B.190A, application for certification may be allowed after two (2) years from the date of revocation. Any such applicant must successfully complete an examination and be certified in the same manner as a new applicant.

These rules are intended to implement Iowa Code section 455B.187 and 1991 Iowa Code Supplement section 455B.190A.

Date

Larry J. Wilson, Director

Mr. Stokes reviewed development of the rules covering the issues raised and objections made by the Administrative Rules Review Committee (ARC). He further reviewed delays caused by those objections. He noted that the Well Contractor Council met on March 11, 1993 and they voted to amend the rules as presented above to address the ARC's concerns. Mr. Stokes stated that the rules have been discussed with the ARC as well as the chairpersons of the two legislative standing committees to which the rules were referred, and it now appears to address everyone's concerns and objections. He asked the Commission to approve the adoption of the rules as there

March 1993

Environmental Protection Commission Minutes

is a deadline to get people certified. He related that following emergency adoption, the rules will go out to public hearing.

Discussion followed regarding some of the legislator's objections to the original rules and the proposal for certification of pump installers.

Margaret Prah1 suggested editorial corrections to be made to 82.2(1) and 82.2(5).

Charlotte Mohr suggested that under 82.7(2), the initial certification fee should state \$150 per year rather than \$75 per half-year.

Mr. Stokes stated that it is listed that way because there is a phase-in period and the intention is to have them all come due at the same time. He added that Commissioner Mohr's comment can be included with the comments to go out to public hearing.

Motion was made by Margaret Prah1 to approve Emergency Rule--Chapter 82, Well Contractor Certification. Seconded by Charlotte Mohr. Motion carried unanimously

APPROVED AS PRESENTED

APPOINTMENT - RALPH NEWMAN

Ralph Newman, Wapello county farmer, addressed the Commission expressing concerns/problems with a neighboring hog confinement. He stated that he is out of business now because of inactions by the DNR. He related that he has had problems with runoff from the hog confinement for the past 18 years. He circulated photos of sewage running out into the ditch and on to the road and noted that each time it rains there is overflow. Mr Newman complained that Mike Murphy never answers his letters, but sends him notes instead. He stated that DNR tells him it is the sheriff's problem, and the sheriff tells him it's the Board of Health's problem.

Chairperson Hartsuck thanked Mr. Newman for his remarks and indicated that the Commission will discuss the issue under the General Discussion item later in the day.

STATE REVOLVING FUND - INTENDED USE PLAN, FY 1993

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department recommends Commission approval of a final State Revolving Fund Intended Use Plan for the State of Iowa, Fiscal Year 1993. The attached Intended Use Plan is presented to the Commission following a public hearing on the plan which was published as proposed on December 22, 1992. A Hearing was held on January 22, 1993. Results of the public participation

are addressed in section VIII of the plan on page 7. Minor changes were made to the plan as a result of comments from the Environmental Protection Agency. Two oral and one written comment were received from municipalities, all in favor of the plan.

It should be noted that the applicants included do not total the amount of funds available to the SRF. Because of this, the department also requests approval to add qualifying applicants to the contingency list which may be received prior to sizing the state bond issue in order to maximize use of the SRF.

**STATE REVOLVING FUND INTENDED USE PLAN
FOR THE STATE OF IOWA
FISCAL YEAR 1993**

Submitted to the
U.S. Environmental Protection Agency
Region 7

By the
Iowa Department of Natural Resources
February 1993

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I. INTRODUCTION

The State of Iowa herewith submits its Intended Use Plan (IUP) for all funds available in the State Revolving Fund (SRF) during Fiscal Year (FY) 1993. This plan is based on receiving a capitalization grant from the FY 1993 Title VI funds appropriated by the U.S. Congress for the Iowa State Revolving Fund. In addition, the FY 1993 SRF will include the State's required 20% match for this grant. These funds will be added to the SRF funds provided in FY 1989, 1990, 1991, and 1992.

II. SRF FUNDS

This Intended Use Plan is based upon federal funds available for FY 1993 by Congressional appropriation. The Clean Water Act authorized program funding at \$1.2 billion nationally for each of 1989 and 1990, \$2.4 billion for FY 1991, \$1.8 billion for FY 1992, and 1.2 billion for FY 1993. The actual FY 1993 appropriation was over \$1.9 billion. With this appropriation the FY 1993 Title VI allotment for Iowa is \$26,276,100 of which 26,013,339 would be available for the SRF. Also available in FY 1993 is the balance of Iowa's FY 1992 allotment not awarded in the FY 1992 capitalization grant in the amount of \$1,848,375. This Intended Use Plan will project a capitalization grant of \$14,038,108 available to Iowa in FY 1993. This capitalization grant would only be a part of what is available to Iowa. Remaining allotment funds could be requested in the future. The 20% state match of \$2,807,622 and both sources of capitalization grant funds will provide an addition of \$16,845,730 to the SRF for FY 1993.

III. LIST OF PROJECTS

The management of the state's revolving fund loan program including the development of a priority list of projects for loan assistance has been proposed according to DNR rules 567-92 (455B). With added FY 1993 funds, it is Iowa's intention to make additional funds available to two FY 1990 projects, ten FY 1991 projects, twelve FY 1992 projects, and assist twelve new FY 1993 projects as well as fund the administration of the SRF program. There is no intention to fund (Section 319) nonpoint source projects or (Section 320) estuarine projects in FY 1993 as permitted by Title VI of the Clean Water Act. No projects for municipalities which appear on the National Municipal Policy (NMP) List have been placed on the Loan List for proposed loan assistance to meet "first use" requirements of the Clean Water Act. Projects identified for assistance from FY 1990, 1991, and 1992 funds are shown in Chart 1 Parts 1, 2, and 3.

The total loan needs of all applications submitted by the July 1, 1992 deadline in DNR rules did not exceed the revolving fund that could be provided by the actual FY 1993 allotment of federal funds. Therefore, all applications submitted by July 1, 1992 are listed as proposed loan recipients on Chart 1 Part 4. Applications received after July 1, 1992, through the date of the public hearing on this Intended Use Plan will also be considered for inclusion on the list of recipients for FY 1993 loan assistance. These

applicants are listed on Chart 1 Part 4 in priority order following those applications received by July 1, 1992.

Applicants will be offered loan assistance subject to meeting program requirements.

The state expects to apply for a capitalization grant and issue bonds to fund the proposed loan projects and related administrative costs. Since sufficient capitalization grant funds and match will be available, it is not proposed to use revolved SRF monies to fund the FY 1993 projects.

Based on the environmental reviews that have been conducted on the proposed Section 212 projects to date, it is not anticipated that any of these projects will need to undergo development of an Environmental Impact Statement (EIS).

Priority Projects

The Clean Water Act requires that the capitalization grant and the state match funds are first to be used to assure maintenance of progress toward compliance with enforceable deadlines, goals and requirements of the Act, including the municipal compliance deadline. EPA has determined that this first-use has been met when all municipalities on the NMP list are in compliance, on an enforceable schedule, have an enforcement action filed, or have a funding commitment by the end of the year covered by the IUP. This is a onetime determination.

An analysis made of Iowa's NMP municipalities in FY 1989 determined that all have met one of the above criteria. Therefore, Iowa assures maintenance of progress toward compliance with enforceable deadlines, goals, and requirements of the Clean Water Act as expected by Title VI.

To determine which wastewater treatment facility projects should be funded by the SRF, the FY 1993 Project Priority List (PPL) was prepared under state rule IAC 567--91, and includes the highest priority projects expected to be able to take advantage of SRF funds within the time frame allowed by state rule IAC 567--92 for FY 1993. Chart 1, Parts 1, 2, 3 and 4 and Chart 2 are the FY 1993 Project Priority List. There are twelve projects identified for loan assistance for FY 1993, in addition to twenty-four identified for FY 1990, 1991, and 1992 that did not actually receive loan agreements prior to the start of FY 1993. These projects appear on Chart 1 by fiscal year in the order of their ranking as described above. No nonpoint source projects (Section 319) or estuarine projects (Section 320) have been proposed for funding from the SRF.

In the event that projects identified for funding in the IUP do not attain readiness for a loan commitment by August 31, 1993, these delayed projects may be bypassed. Other projects may be added to a contingency list (Chart 2) to be funded based on the state's implementing rules for the SRF program (see IAC 567-92). Consideration of the by-pass

projects will occur in August of 1993 by the Department of Natural Resources.

This IUP may be amended as allowed by DNR rules and Section VII of this plan. Because applications received total less than what will be available for Iowa's SRF, the state may consider adding projects to the FY 1993 Project Priority List (Chart 1), should applications be received. Should applications be received in excess of available SRF assistance, the lower priority projects will be placed on the Contingency List (Chart 2).

Funds reserved for administration costs of the SRF program are shown in Chart 1, Part 5. A reserve for water quality management planning as required by Title VI of the Clean Water Act will be set aside from Iowa's FY 1993 Title VI allotment and granted to the state for this purpose separately from the SRF. This reserve does not appear in this IUP and has already been taken into account in projecting Iowa's capitalization grants for FY 1993.

IV. LONG-TERM AND SHORT-TERM GOAL STATEMENTS

A. Long-Term Goals

1. Protect the environment, and public health and welfare by ensuring state water quality standards are achieved and maintained; and that waters of the state are not degraded by improperly or inadequately treated municipal wastewaters, or nonpoint pollution sources.
2. Establish a perpetual program to provide financial assistance to communities for the purpose of constructing facilities to properly and adequately treat municipal wastewaters, or abate and control nonpoint pollution sources.
3. Provide a financial assistance program, in the form of loans, which are competitive with private financing options available to communities while assuring the perpetual nature of the program.
4. Allocate financial assistance in a priority manner based upon water quality impacts of the proposed projects.
5. Establish program requirements which are simple, understandable, applicable to all projects, and to the fullest extent possible are not burdensome to the recipients of assistance.
6. Establish mechanisms for funding the on-going administration of the program once federal funding stops.

B. Short-term Goals (to be implemented in FY 1993)

1. Administer the State Revolving Loan Program consistent with federal statute, regulation and guidance; and in accordance with state law and promulgated rules.
2. Commit loan funds to fully fund as many communities as possible in accordance with the state priority rating system, this Intended Use Plan, and available funding in order to assist in the construction of the highest water quality impact projects.
3. Commit 120% of federal capitalization grant funding available this federal fiscal year.
4. Provide state funds through bonding in the amount required to provide the 20% match for available federal allotments in FY 1993.

V. INFORMATION ON THE SRF ACTIVITIES TO BE SUPPORTED

A. Allocation of Funds

Allocation of funds to eligible projects was based on a three-step process:

The amount of financial assistance needed for each application was estimated;

The sources and spending limits for all FY 1993 SRF funds were identified; and

The SRF funds were allocated among the projects, consistent with the amount available and the financial assistance needed.

Information pertinent to each SRF project is contained in Chart 1, pursuant to Section 606(c)(3) of the CWA.

B. SRF Policies

Loan Interest Rate

The interest rate for all loans made from the SRF in FY 1993 will be determined in accordance with state rules and based upon the State's costs for generating required matching funds via bonding (see IAC 567-92.11). Interest rates for projects identified for different fiscal years may vary.

C. Administrative Costs of the SRF

Iowa intends to use SRF funds equivalent to 4% of the Federal capitalization grant funds to pay the costs of administering the State Revolving Fund loan program. Based on Iowa's FY 1993 allotment of Title VI funds, the state could have \$1,040,534 available from the FY 1993 SRF for administration support for operating the SRF program. However, the \$561,524 shown on Chart 1, Part 5 and Chart 3 is based on the proposed actual capitalization grant needed for loan applications appearing in this IUP. A commitment of \$510,626 from FY 1989 funds, \$528,177 from FY 1990 funds, \$1,062,966 from FY 1991 funds, and \$1,026,000 from FY 1992 funds has already been made.

The annual budget for program administration may be less than the 4% allowed by the Clean Water Act for administrative costs. Unused commitments are reserved for use in future years as necessary.

VI. ASSURANCES AND SPECIFIC PROPOSALS

Iowa will provide the necessary assurances and certifications as part of an Operating Agreement between the State of Iowa and the U.S. EPA. Iowa's Operating Agreement includes the requirements of the following sections of the law:

- 602(a) - Environmental Reviews
The State of Iowa will conduct environmental reviews as specified in the Project Review Procedures attached to the Operating Agreement.
- 602(b)(3) - Binding Commitments
The State of Iowa will enter into binding commitments for 120% of each quarterly payment within 1 year of receipt of that payment.
- 602(b)(4) - Expeditious and Timely Expenditures
The State of Iowa will expend all funds in the SRF in a timely and expeditious manner.
- 602(b)(5) - First Use for Enforceable Requirements
The State of Iowa will assure maintenance of progress toward enforceable deadlines, goals and requirements of the CWA, including the municipal compliance deadline. Maintenance of progress is defined in EPA guidance for the SRF program.
- 602(b)(6) - Compliance with Title II Requirements
The State of Iowa agrees to meet the specific statutory requirements for public owned wastewater projects constructed in whole or in part before FY 1995 with funds directly made available by Federal capitalization

grants.

Iowa will meet equivalency requirements using Title II procedures, as included in the State's Construction Grant Delegation Agreement with EPA. State rules require that all Section 212 projects funded under Title VI of the Clean Water Act will meet the Title II requirements specified in Title VI.

VII. CRITERIA AND METHOD FOR DISTRIBUTION OF FUNDS

The following approach was used to develop Iowa's proposed distribution of SRF funds: (1) analysis of the priority of communities applying and financial assistance needed; (2) identification of the sources and spending limits of available funds; (3) allocation of funds among projects; (4) development of a payment schedule which will provide for making timely binding commitments to the projects selected for SRF assistance; and (5) development of a disbursement schedule to pay the project costs as incurred.

A. Priority of Communities and Financial Assistance Needed

Iowa law provides only for loan assistance. The state's SRF rules identify the priority rating system used to establish priorities for loan assistance. Charts 1 and 2 becomes the state's Project Priority List.

Projects were considered only for loan financing assistance for project costs incurred after the date of an Intended Use Plan which contains the project on a list approved for SRF assistance.

B. Allocation of Funds Among Projects

Once the total amount of funds and spending limits were identified, Chart 3 was prepared showing the amount needed by quarter to meet the binding commitment of each project. These amounts were summarized by quarter and the totals are shown at the bottom of the columns. Projections are shown for the state fiscal year (July 1 through June 30).

Since it was not necessary to provide loan funding to any project to meet the federal "first use" requirement, all projects listed in Chart 1 may be funded from the SRF.

All projects scheduled for funding with Iowa's SRF will be reviewed for consistency with appropriate plans developed under sections 205(j), 208, 303(e), 319 and 320 of the Clean Water Act, as amended. Evidence of this review and finding of consistency will be documented in each SRF project file. Should a project fail to meet this review criteria it may be bypassed as allowed by State rules. Chart 2 provides for contingency projects which may be considered for

loan assistance as bypass projects according to state rules without formal amendment of this intended use plan. Projects may be added to Chart 2 in priority order as applications are received.

VIII. METHOD OF AMENDMENT OF THE INTENDED USE PLAN

This intended use plan will be followed by the State in administering SRF funds in FY 1993. Public participation in the development of the IUP is required by EPA. Any revisions of the goals, policies and method of distribution of funds, including the list of loan projects, must be addressed by a revision of the IUP including opportunity for public participation. Minor adjustments in funding schedules, loan amounts and use of bypass provisions including funding of projects on the contingency list are allowed by the procedures of this IUP and state rules for administration of the SRF without public notification.

IX. PUBLIC REVIEW AND COMMENT

A public meeting was held to allow input into Iowa's proposed FY 1993 Intended Use Plan. The announcement appeared in the Des Moines Register, a newspaper of statewide circulation, on December 22, 1992. The notice was also mailed directly to approximately 1,600 addresses including all cities, counties, sanitary districts, consulting engineers, city engineers, councils of governments area planning agencies, and groups which might have an interest. A copy of the notice is attached. The public hearing was held on January 22, 1993. Comments were accepted through January 22, 1993.

Two persons attended the hearing. One oral comment was heard at the hearing. A representative of Clear Lake Sanitary District spoke in favor of the plan. A representative of Sioux-Center made favorable verbal comment by phone prior to the hearing. A written comment was received from the City of Algona. Algona had not submitted an application but commented in favor of the SRF for cities needing wastewater facilities. They also recommended the elimination of unnecessary paperwork and delays.

The proposal was submitted to the Environmental Protection Agency for their review. A comment letter was received from EPA. EPA has suggested some clarifications to Section II of the plan. They also suggested the applications received after July 1, 1992, be identified on Chart 1 Part 4. The last line of Chart 3 was also identified as needing clarification. Revisions were made to address these EPA concerns.



DEPARTMENT OF NATURAL RESOURCES
LARRY J. WILSON, DIRECTOR

**NOTICE TO IOWA MUNICIPALITIES
INTERESTED IN LOW INTEREST LOANS
FOR WASTEWATER IMPROVEMENTS**

December 22, 1992

NOTICE OF PUBLIC HEARING - Proposed Intended Use Plan for the administration of a Revolving Loan Fund for wastewater treatment facilities.

The Iowa Department of Natural Resources (DNR) will hold a public hearing on January 22, 1993, beginning at 1:00 p.m. in the 4th floor conference room of the Henry A. Wallace State Office Building, 900 East Grand, Des Moines, Iowa. Comments are invited on the proposed State Revolving Fund Intended Use Plan for the State of Iowa Fiscal Year 1993.

Written comments will be accepted through the date of the hearing. Comments may also be transmitted by FAX to the Department, attention Wayne Farrand (FAX no. 515/281-8895). Requests for copies of the Intended Use Plan or written comments may be directed to Wayne Farrand, Supervisor, Wastewater Permits Section, Iowa Department of Natural Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319 (telephone 515/281-8877).

The Intended Use Plan presents the State's administration of a revolving fund for loans to municipalities for wastewater treatment work construction. It includes a list of eligible applicants to date for fiscal year 1993 assistance. The plan was developed pursuant to state rules adopted for this purpose (IAC 567-92(455B)). The final Intended Use Plan will be a part of the State's application for the federal contribution to the revolving fund. It is anticipated that the Environmental Protection Commission will act on a final plan at its February, 1993 meeting. The proposed list of projects including the loan amounts in the Intended Use Plan is as follows:

Des Moines 04	\$3,936,555
West Des Moines	\$2,020,000
Orchard	\$220,000
MacBride Sanitary District	\$209,090
Farragut	\$200,000
Sioux Center	\$1,140,000
Brit	\$477,800
Wayland	\$200,000
Afton	\$194,900
Tama	\$2,185,860
Tabor	\$1,000,000
Clear Lake Sanitary District	\$4,000,000

A-1

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Chart 1: FY 93 Intended Use Plan Project - Specific Information

Chart 1 Part 1: FY 90 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		CBOD	TSS	Other					
Carlisle	192016-01	25	30		II	1048	11/92	12/92	4/94
LeGrand	192018-01	25	30		I	500	9/92	10/92	6/93

Part 1 Total: 1,548

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Chart 1 Part 2: FY 91 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		CBOD	TSS	Other					
Preston	192012-02	25	30		IVB, I	225	12/92	12/92	6/92
Perry	192008-01	25	30	2.3 NH3	I	4180	12/92	12/92	11/94
Mason City	192022-01	25	30		II	4237	12/92	12/92	10/93
Independence	192017-02	25	30		IVB	372	11/92	11/92	1/93
Kanawha	192024-01	25	80		I	251	11/92	11/92	4/93
Melcher-Dallas	192032-01	25	80		IVA, IVB	100	7/92	11/92	5/93
Agency	192033-01	25	80		I	234	7/92	11/92	5/93
Knoxville	192041-01	25	30		IVB	1270	7/92	10/92	1/93
Clinton	192042-01	25	30		I	2964	7/92	10/92	7/93
Johnston	192046-01	25	30		I, IVB	2359	7/92	10/92	6/93

Part 2 Total: 16,192

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Chart 1 Part 3: FY 92 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		CBOD	TSS	Other					
Perry	192008-02	25	30	2.3 NH3	I	184	8/92	10/92	11/94
Kanawha	192024-02	25	80		I	87	4/93	5/93	11/93
Ottumwa	192055-01	4	30	1.0 NH3	II	4476	10/92	10/92	3/94
Coralville	192034-02	25	30		IVB	1145	8/92	9/92	4/93
Boone	192047-01	25	30	1.6 NH3	II	7320	12/92	12/92	4/95
Osceola	192048-01	25	30	6.7 NH3	IIIB, IVB	2100	9/92	10/92	12/93
Dubuque	192049-01	25	30		I	4926	11/92	12/92	6/94
Sigourney	192051-01	25	80		I	523	7/92	9/92	3/93
Denmark S.S.D.	192044-01	25	30		I, IVA	300	7/92	11/92	10/93
Carlisle	192016-02	25	30		I	1183	9/92	12/92	4/94
Graettinger	192056-01	25	80		I	411	8/92	10/92	6/93
Oskaloosa	192007-03	11	30	2.9 NH3	II	1515	9/92	11/92	11/93
Grinnell	192057-01	25	30	495# NH3	I, IIIA, IVB	5855	11/92	11/92	1/94

Part 3 Total: 30,025

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Chart 1 Part 4: FY93 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		CBOD	TSS	Other					
Des Moines 04	192001-04	25	30	5.5 NH3	IVB	3937	8/93	8/93	12/93
W. Des Moines	192060-01	25	30	5.5 NH3	IVB	2020	8/93	8/93	12/93
Orchard	192029-01	25	30	1.2 NH3	II	220	12/93	12/93	12/94
MacBride S.D.	192061-01	25	80		I	210	2/94	8/94	7/95
Farragut	192045-01	25	80		I, IVB	200	7/93	10/93	5/94
Sioux Center	192062-01	25	30	3.5 NH3	II	1140	7/93	7/93	5/94
Britt	192063-01	25	30	7.0 NH3	II	478	4/94	5/94	5/95
Wayland	192064-01	25	80		I	200	8/93	8/93	5/94
Afton *	192053-01	25	80		IVA	195	1/94	4/94	10/94
Tama *	192059-01	25	30	7.9 NH3	II	2186	5/94	7/94	12/94
Tabor *	192065-01	25	80		I, IVA	1000	7/93	8/93	4/94
Clear Lake S.D. *	192066-01	25	30	2.7NH3	II, IVA	4500	1/94	4/94	12/94

Part 4 Total: 16,286

* Application received after July 1, 1992

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Chart 1 Part 5: Section 603(d)(7) Program Administration

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		CBOD	TSS	Other					
PGM - ADM (93)			NA	NA	NA	562	6/93	NA	NA

Part 5 Total: 562

FY GRAND TOTAL: 64,613

Key to Need Categories

- I Secondary Treatment
- II Treatment more stringent than secondary
- IIIA Infiltration/inflow rehabilitation
- IIIB Major sewer system rehabilitation
- IVA New collectors and appurtenances
- IVB New interceptors and appurtenances
- V Correction of combined sewers

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Chart 2: FY 93 Intended Use Plan Contingency Projects - Specific Information

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					

Key to Need Categories

- I Secondary Treatment
- II Treatment more stringent than secondary
- IIIA Infiltration/inflow rehabilitation
- IIIB Major sewer system rehabilitation
- IVA New collectors and appurtenances
- IVB New interceptors and appurtenances
- V Correction of combined sewers

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Chart 3: Loan List - Projected Binding Commitments by Quarter

Project Name: Community Serve	Project Number	Prior Years	BINDING COMMITMENTS							
			Fiscal Year 1993				Fiscal Year 1994			
			QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4
FY90-Section 212 POTW Projects										
Carlisle	192016-01			1,048						
LeGrand	192018-01		500							
FY91-Section 212 POTW Projects										
Preston	192012-02			225						
Perry	192008-02			4,180						
Mason City	192022-01			4,237						
Independence	192017-02			372						
Kanawha	192024-01				251					
Melcher-Dalles	192032-01			100						
Agency	192033-01			234						
Knoxville	192041-01			1,270						
Clinton	192042-01				2,964					
Johnston	192046-01			2,359						
FY92-Section 212 POTW Projects										
Perry	192008-02				184					
Ottumwa	192055-01				4,476					
Corralville	192034-02			1,145						
Boone	192047-01			7,320						
Oceola	192048-01				2,100					
Dubuque	192049-01				4,926					
Sigourney	192051-01			523						
Denmark S.S.D.	192044-01					300				
Kanawha	192024-02				87					
Carlisle	192016-02			1,183						
Grettinger	192056-01				411					
Oskaloosa	192007-03			1,515						
Grinnell	192057-01					5,855				
FY93-Section 212 POTW Projects										
Des Moines 04	192001-04						3,937			
West Des Moines	192060-01						2,020			
Orchard	192029-01									
Macbride S.D.	192061-01							220		
Farragut	192045-01								210	
Sioux Center	192062-01						200			
Britt	192053-01						1,140			
Wayland	192064-01									478
Afton	192053-01						200			
Tama	192059-01								195	
Taber	192065-01									2,186
Clear Lake S.D.	192066-01						1,000			
PGM - ADM (FY89)										
		511								
PGM - ADM (FY90)										
		528								
PGM - ADM (FY91)										
		1,063								
PGM - ADM (FY92)										
		1,026								
PGM - ADM (FY93)										
						562				
TOTALS		3,128	500	25,711	15,399	6,717	8,497	220	4,905	2,664
CUMULATIVE TOTALS		46,285	46,785	72,496	87,895	94,612	103,109	103,329	108,234	110,898
FY TOTALS		46,285				48,327				16,286
REQUIRED BINDING COMMITMENTS **		31,164	22,734	0	0	10,181	8,136	21,618	0	
CUMULATIVE REQUIRED AMOUNT		31,164	53,898	53,898	53,898	64,079	72,215	93,833	93,833	93,833
BINDING COMMITMENT % OF REQUIRED		149%	87%	135%	163%	148%	143%	110%	115%	118%

* Includes prior years binding commitment as well as PGM-ADM commitments
 ** 120% of federal payments lagged by one year

Mr. Stokes gave an explanation of the Intended Use Plan and noted several comments were received during the comment period. He asked the Commission to approve the Intended Use Plan as prepared. He also asked for approval to add communities to a contingency list for projects that come in after today's date but prior to the time they go out for bond issuance.

Motion was made by Margaret Prael to approve the State Revolving Fund - Intended Use Plan for FY 1993 as well as additions to a contingency list. Seconded by William Ehm. Motion carried unanimously.

Discussion followed regarding nonpoint source projects, additions to a contingency list, and encouraging communities to apply for available funds.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 42, WATER SUPPLY LAB CERTIFICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Pursuant to Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Division requests final approval to amend Chapter 42, "Water Supply Laboratory Certification." At its November 10, 1992 meeting the Administrative Rules Review Committee imposed a seventy day delay on subparagraphs 42.2(1)"b"(9) and (10), published October 10, 1992 and requested the Department provide written notice and an opportunity for public comment on these two items.

During the previous rule making, language was added to 42.2(1)"b" (9) that incorporated a clarification of out-of-state laboratory responsibilities for fee payments. Also, addition of language to 42.2(1)"b" (10) increased the laboratory certification fee by \$300 where multiple trips and samples are necessary during laboratory performance evaluations.

A written public comment was received from UHL addressing clarification of the language concerning reciprocity and in regard to on-site visits and incorporating a sliding scale of fees up to \$300. The Department proposes adopting the suggested language changes with the exception of the sliding fee. The Department feels that a flat \$300 fee is more appropriate as it represents staff time involved in conducting and processing multiple on-site visits. No comments were received addressing whether a \$300 fee was inappropriate.

ENVIRONMENTAL PROTECTION COMMISSION (567)

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources hereby adopts revisions to Chapter 42, "Water Supply Laboratory Certification."

At its November 10, 1992 meeting the Administrative Rules Review Committee voted to impose a seventy day delay on subparagraphs 42.2(1)"b"(9) and (10), appearing as part of ARC 3458A, published in IAB Vol XV, No. 8 (10/14/92). The Administrative Rules Review Committee took this action because it believed that these two items, both fee increases, were added after the publication of the Notice of Intended Action, and that the associated fee increases were substantial. Therefore, the Committee requested that the Department provide written notice and an opportunity for public comment on these two items. The request was in the form of asking the Environmental Protection Commission to commence a regular rule-making proceeding concerning these two delayed items.

The Notice of Intended Action for revisions to Chapters 40-43 was published in the June 10, 1992 Iowa Administrative Bulletin as ARC 3084A. Public hearings were held on June 30, 1992, July 1, 1992, July 2, 1992, July 7, 1992, and July 8, 1992. These new chapters were adopted by the Environmental Protection Commission on September 21, 1992. The Department received written comments which were summarized and responded to in a Public Participation Responsiveness Summary which was filed with the Administrative Rules Coordinator.

As noted by the Administrative Rules Review Committee, certain changes to the proposed rules were made by the Department as the result of comments. These changes clarified the intent of the rules but did not result in any substantive changes to the noticed rules. Language was added to 42.2(1)"b" (9) that incorporated a clarification of out-of-state laboratory responsibilities for fee payments. This addition did not change the rules as published in the Notice to any degree. Another comment resulted in the addition of language to 42.2(1)"b" (10) increasing the laboratory certification fee by \$300 where multiple trips and samples are necessary during laboratory performance evaluations.

42.2(1)"b"(9) and 42.2(1)"b"(10) were published in ARC 3693A, IAB (1/20/93) with a solicitation for written comments. The period for any interested persons to submit written comments concerning these subrules expired February 9, 1993. A written public comment was received from UHL addressing contextual clarification of the language concerning reciprocity and in regard to on-site visits; the Department proposes adopting the suggested language changes with the exception of incorporating a sliding scale of fees up to \$300. The Department feels that a flat \$300 fee is more appropriate as it represents staff time involved in conducting and processing multiple on-site visits. No comments were received addressing whether a \$300 fee was inappropriate.

These rules implement Iowa Code chapter 455B, division III, part 1.

The Department proposes adopting language for subrule 42.2(1)"b"(9) and 42.2(1)"b"(10) which reads as follows:

(9) ~~Reciprocity with other~~ Reciprocal certification of out-of state laboratories by Iowa and both within and without the state of Iowa by other states is encouraged. However, where an out-of-state laboratory has received a ~~reciprocal~~ an on-site assessment within its respective home state, the fee for certification shall not be reduced if an on-site assessment or survey is not performed.

(10) The laboratory certification fees shall be increased by \$300 per visit in those cases where multiple ~~trips~~ on-site visits and multiple samples of unknown contaminants (for laboratory performance evaluations) are necessary.

These rules become effective May 19, 1993, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

Date

Larry J. Wilson, Director

Mr. Stokes briefly reviewed the rules and changes made as a result of public comment.

NancyLee Siebenmann asked if a \$300 flat fee is a fair reimbursement.

Mr. Stokes replied that it is an appropriate amount.

Motion was made by Margaret Prah! to approve Final Rule--Chapter 42, Water Supply Lab Certification. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE--CHAPTERS 42-43, WATER SUPPLY RULES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission will be provided copies of the proposed rules at the March meeting. The proposed rules are consistent with adopted federal rules. The proposed rules incorporate U.S. EPA "Phase V" regulations for inorganic chemicals, volatile organic chemicals, and synthetic organic chemicals.

The rules amend current rules for inorganic and organic chemicals

- revising or setting new standards for maximum contaminant levels
- monitoring requirements

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- analytical procedures.

They set or revise MCLs for 5 inorganic and 18 organic chemical contaminants. Monitoring requirements will be phased in over three years.

If adopted, these rules will increase the number of drinking water contaminants regulated by the Department to 84.

(A copy of the proposed rule is on file in the department's Records Center)

Mr. Stokes gave a detailed explanation of the rules.

William Ehm asked if any water supplies will have problems as a result of the rules.

Mr. Stokes stated that some of the smaller communities may have cost problems.

Discussion took place regarding an MCL of 4mg./l for fluoride as a safe level for people with osteoporosis.

Clark Yeager asked if staff has any idea how much it will cost the communities in the state to implement these rules.

Mr. Stokes stated that staff has some information and a report will be provided next month estimating the potential costs to a public water supply.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 121, PETROLEUM CONTAMINATED SOILS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the attached Notice of Intended Action. The proposed rule revision implements 1992 legislation requiring the Commission to adopt rules prohibiting the land application of petroleum contaminated soil in a flood plain.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.6(6) and 455B.304(17) (1992 Iowa Acts, chapter 1215, section 5), the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 121, "Land Application of Wastes," Iowa Administrative Code.

1992 Iowa Acts, Chapter 1215, section 5, includes a requirement that the Commission adopt rules which prohibit the land application of petroleum contaminated soils on flood plains. This proposed amendment establishes this prohibition.

Any person may submit written suggestions or comments on the proposed rule change through May 4, 1993. Such written material should be submitted to Lavoy Haage, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, or FAX # (515)281-8895. Persons who have questions may contact Mr. Haage at (515)281-4968. Persons are also invited to present oral or written comments at a public hearing which will be held on May 4, 1993, at 10:00 a.m. in the Henry Wallace Building, 5th Floor East conference room, 900 East Grand, Des Moines.

These rules are intended to implement 1992 Iowa Acts, chapter 1215, section 5.

Amend rule 121.3(455B) by adding the following new subrule:

121.3(3) Petroleum contaminated soils shall not be applied within a flood plain with or without a permit. As used in this subrule "flood plain" means the land adjacent to a stream which has been or may be inundated by a flood having a magnitude of a 100-year flood.

Mr. Stokes explained that the general assembly, last year, passed an amendment in law that requires the department to adopt rules prohibiting land application of petroleum contaminated soil in a flood plain. He added that this was in response to an area of the state where an individual was accepting petroleum contaminated soil and land applying it on his agricultural ground near some neighbors who did not like it. The rule is provided to comply with statutory requirements.

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapter 121, Petroleum Contaminated Soils. Seconded by Nancylee Siebenmann.

Rozanne King asked if regulations state a ratio of how many acres the contaminated soil must be spread on.

Mr. Stokes stated that a maximum depth is specified for spreading petroleum contaminated soil on agricultural ground. Certain other requirements are also specified to prevent runoff into surface water bodies.

Chairperson Hartsuck stated that this is a good way to dispose of petroleum waste without environmental harm. He suggested that the Commission invite a speaker to present a program on this subject. The Commission concurred with the idea of inviting a speaker and Chairperson Hartsuck noted that he will handle the invitation.

Vote on Commissioner Mohr's motion to approve the Notice of Intended Action carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTERS 119 AND 143, RESCIND RULES ON WASTE OIL FOR ROAD OILING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the attached Notice of Intended Action, which rescinds existing state rules allowing use of waste oil for dust suppression, road oiling, and weed control. Recently adopted federal rules prohibit this practice. Also attached is a memorandum further explaining the federal regulations.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.6(6), the Environmental Protection Commission gives Notice of Intended Action to rescind subrule 119.3(2) and Chapter 143, "Use of Recycled Oils for Road Oiling, Dust Control, and Weed Control," Iowa Administrative Code.

The U.S. Environmental Protection Agency adopted regulations on September 10, 1992, which update prior final or proposed regulations which deal with used oil. This update prohibits the application of oil by anyone to roads or land. Federal law supersedes state law and therefore the federal ban goes into effect in Iowa on March 8, 1993. A provision exists which allows a state to petition the U.S. EPA to be able to continue an existing control program for road oiling. The petition must state how Iowa would prevent the mixing of hazardous waste with the used oil or use of used oil which meets the characteristics of hazardous waste, and how the environmental impacts of used oil would be minimized. The department does not have the resources to prepare or sustain such a petition, nor does it believe it is appropriate for the protection of the environment of the state of Iowa to do so. Therefore, it is proposed that chapter 143 (567) be rescinded.

Any person may submit written suggestions or comments on the proposed rescinded rules through May 4, 1993. Such written material should be submitted to Lavoy Haage, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, or FAX # (515)281-8895. Persons who have questions may contact Mr. Haage at (515)281-4968. Persons are also invited to present oral or written comments at a public hearing which will be held on May 4, 1993, at 11:00 a.m. in the Henry Wallace Building, 5th Floor East conference room, 900 East Grand, Des Moines.

ITEM 1. Rescind subrule 119.3(2).

ITEM 2. Rescind chapter 143(455B).

DATE: February 26, 1993
TO: Environmental Protection Commission
FROM: Mike Murphy
SUBJECT: Road Oiling

Iowa Code section 455B.412(5) and 567 I.A.C. 143 allow the use of recycled oil for the purpose of road oiling, dust control or weed control. On September 10, 1992, EPA adopted fairly comprehensive regulations, updating prior final or proposed regulations on the subject of used oil. The regulations are effective March 8, 1993, in states not authorized for RCRA part C (hazardous waste permitting), and will be effective in authorized states when those states update their regulations. Since Iowa is not a RCRA-authorized state, the regulations go into effect on March 8, 1993. a significant element of the new federal rules is that the use of used oil as a dust suppressant is prohibited. There is an exception for states that have petitioned EPA to allow it, subject to the state's regulatory control, and if EPA amends its regulations to allow it in that state.

Based on the Supremacy Clause of the United States Constitution, the federal law would prevail. Although the federal rules do allow a limited exception, we do not intend to petition EPA, and will initiate procedures to rescind our existing rules which authorize and regulate use of used oil for road oiling. As noted in the federal rulemaking action, 41 out of the 50 states already ban use of waste oil for road oiling. To sustain a petition to EPA to allow it in Iowa would require some modification of our existing rules, and would require a demonstration of sufficient program resources, including staffing, to exercise reasonable regulation of this practice. We do not desire to make this effort.

This memo will not present a detailed discussion of the federal regulations. For your background information, significant aspects of the federal regulations are:

1. Used oil is not a listed hazardous waste. EPA notes that used oils may often be characteristic hazardous wastes, however.
2. All used oil is presumed to be recyclable, and therefore subject to the new (or revised) management standards adopted in 40 CFR 279, for generators, collection centers, transporters, marketers, transfer facilities, processors/re-refiners, burners (for energy recovery) of used oil, and disposers. The management standards are fairly detailed. Briefly:

- a. Individuals changing their personal vehicle oil are not considered to be generators, for purposes of these regulations.
 - b. Farmers generating no more than 25 gallons per month per year are exempt from the management standards.
 - c. All regulated handlers must store in tanks or containers clearly labeled or marked "Used Oil", do basic O & M, do release response, and do basic recordkeeping and retention.
 - d. Most small collection centers or "aggregation points" are not subject to regulation other than the above.
 - e. All but generators and these smaller collection/aggregation facilities must notify EPA and get ID numbers.
 - f. Self-transportation of less than 55 gallons of used oil to an approved collection point is not regulated; otherwise, off-site transportation by generators and smaller collection/aggregation facilities must be with transporters with EPA ID numbers.
 - g. Transporters must assure that used oil reaches an authorized destination.
 - h. All but generators and smaller collection/aggregation facilities have some testing requirements designed to determine if it is hazardous waste, and if so it's kicked into RCRA.
 - i. There are more detailed requirements for processors.
 - j. Burning for energy recovery is permitted, but there are testing and recordkeeping requirements to verify that the oil meets standards. There are more detailed requirements for burners of "off-spec" oil. Generators may use their own used oil or that received from household "do it yourselfers", in their own, small space heaters.
3. The effective date of these rules will trigger the "service station dealer" (SSD), limited protection from CERCLA liability. The dealer must comply with the used oil management standards, accept used oil from do-it-yourselfers, and not mix used oil with any other hazardous substance. A SSD is a person who owns or operates a motor vehicle service station, filling station, garage, or similar retail establishment engaged in the business of selling, repairing, or servicing motor vehicles, where a significant percentage of the gross revenue of the establishment is derived from the fueling, repairing, or servicing of motor vehicles. It does include a government agency that establishes a facility solely for the purpose of accepting recycled oil from do-it-yourselfers.

It should be noted that there is an active and growing effort in Iowa to collect used oil and direct it to beneficial reuse. Iowa Code section 455D.13 and DNR rules, 567 I.A.C. 119, require this and specify standards for waste oil collection facilities and retailers selling oil products. There is a proposal in the 1993 General Assembly to expand this. Information on the waste oil collection program may be obtained from the DNR Waste Management Assistance Division, Ph: 515-281-8646.

You may also have questions about the handling of waste oil filters. EPA excludes from the definition of hazardous waste, non-terne (tin-lead alloy) plated filters that are not mixed with any listed hazardous waste and which have been gravity hot-drained by one of the following methods:

1. puncturing the filter anti-drain back valve or the filter dome and hot-draining;
2. hot-draining and crushing;
3. dismantling and hot-draining; or
4. any other equivalent hot-draining method which will remove used oil.

Other waste oil filters may be characteristic hazardous waste, and if so would be prohibited from being disposed at Iowa landfills. In addition, our "no free liquids" rule would apply. It would appear that meeting the EPA exclusion should satisfy Iowa law for landfill disposal. Of course management of waste oil filters other than by disposal is to be encouraged, and there are a number of recycling facilities in Iowa.

Mr. Stokes explained that the US EPA recently adopted rules that declare it illegal to use waste oils for oiling, dust suppression, weed control, etc. He related that if Iowa laws remain on the books, people will think it is okay to do this and the federal rules do not allow it. He noted that a state can seek a waiver of the ban.

Motion was made by Nancy Lee Siebenmann to approve Notice of Intended Action--Chapters 119 and 143, Rescind Rules on Waste Oil for Road Oiling. Seconded by Margaret Prah. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTERS 100 AND 102, SPECIAL WASTE AUTHORIZATIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Notice of Intended Action to amend Chapter 100 and Chapter 102 to add Special Waste Authorization rules is proposed to be amended due to substantial changes from the original notice.

Following the public hearing on March 18, 1992, several changes were made to the proposed rule as a result of comments received:

- * Clarify the definition of "special waste"
- * Add a definition for "industrial process waste"
- * Clarify the testing requirements
- * Add a list of Total PAHs and Total Carcinogenic PAHs
- * Add language to allow other methods of handling infectious waste

In addition, the Department has determined that since these proposed rules clearly define wastes which require special handling for disposal in landfills, clearly define the criteria for such disposal, and due to limited staff resources, the Department will no longer issue special waste authorizations but will shift that duty to the sanitary landfill operators. The sanitary landfill operators will be required to maintain documentation of compliance with the special waste authorization rules. Since the revision was made after the previous hearing, the change was considered to be significant enough to warrant another hearing.

At the Commission's request, language has been developed to exclude waste generated in a doctor's office from requiring a SWA. Two alternatives are provided. A definition for "Other Medical Waste" has also been added. "Other medical waste" has also been added to the definition of "infectious waste". A decision needs to be made by the Commission on the alternatives; go to hearing with one alternative, both alternatives, or your different language.

ENVIRONMENTAL PROTECTION COMMISSION (567) Amended Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.304, the Environmental Protection Commission amends its Notice of Intended Action to amend Chapter 100 "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 102, "Permits," Iowa Administrative Code. An amended notice is being filed due to substantial proposed changes from the original Notice.

A Notice of Intended Action was published on February 19, 1992, as ARC 2803A, and a public hearing was held on March 18, 1992. The following changes were made from the proposed amendments, based upon public comments:

Items 1 and 4, 100.3(2) and 102.15(2), specifically states that the generator of the waste submits the request for a Special Waste Authorization (SWA).

Item 2, 100.2, clarified the definition of "special waste".

Items 2 and 4, 100.2, 102.2, 102.15(2), and 102.15(2)e(1), add a definition of "industrial process waste".

Items 3 and 4, 100.3(2) and 102.15(2), specifically states that the generator of the waste submits the request for a Special Waste Authorization (SWA).

Item 4, 102.15(2)d(1) - (now e(1)), 102.15(2)b, clarify the testing requirements necessary for showing that the waste is non-hazardous.

Item 4, 102.15(2)e(1) - (now f(1)), clarify the correct terms to be used in describing the test methods/requirements.

Item 4, 102.15(2)d(6) - (now e(6)), removed this subparagraph which was contradictory with other parts of the proposed rule.

Item 4, 102.15(2)e(4) and (12), delete wastewater grit and bar screenings, and pathological wastes and animal carcasses from this section. The latter is covered under "other infectious wastes".

Item 4, 102.15(2)e(15) - (now f(13)), add a list of Total PAH's and Total Carcinogenic PAH's.

Item 4, 102.15(2)e(8) - (now f(7)), clarify the department's requirements for incineration, autoclaving, and add language to allow other methods to render infectious waste nonpathogenic on a case-by-case basis.

In addition, the department has determined that since these proposed rules clearly define wastes which require special handling for disposal in landfills, clearly define the criteria for such disposal, and due to limited staff resources, the department will no longer issue special waste authorizations but will shift that duty to the landfill operators. The operators will be required to maintain documentation of compliance with the special waste rules - 102.15(2)"d". These changes are reflected in items 2, 3 and 4.

Written comments may be directed to Lavoy Haage, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515)281-8895, on or before May 15, 1993. Interested persons may also provide oral comments at a public hearing to be held May 5, 1993, at 1:00 p.m. in the 2nd Floor Conference Room, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa.

These rules are intended to implement Iowa Code sections 455B.304 and 455B.490.

These amendments may impact small businesses.

The following amendments are proposed.

ITEM 1. Amend rule 567-100.2(455B, 455D) by amending the definition of "toxic and hazardous wastes" as follows:

"Toxic and hazardous wastes" means waste materials, including but not limited to, poisons, pesticides, herbicides, fungicides, insecticides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety because of their physical, toxicological, or chemical properties are a waste which may not be disposed of in a sanitary landfill. All wastes which are subject to regulation as "hazardous wastes" under the Resources Conservation and Recovery Act are "toxic and hazardous wastes."

ITEM 2. Further amend rule 567-100.2(455B, 455D) by adding the following new definitions in alphabetical order:

"Special waste" means waste materials, including but not limited to nonhazardous industrial process wastes, infectious wastes, and similar potentially harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety and may be disposed of in a sanitary landfill in Iowa if authorized by subrule 102.15(2) and the sanitary landfill operator.

"Infectious" means containing pathogens with sufficient virulence and quantity so that exposure to an infectious agent by a susceptible host could result in an infectious disease when the infectious agent is improperly treated, stored, transplanted, or disposed.

"Infectious waste" means waste which is infectious, including but not limited to contaminated sharps, cultures and stocks of infectious agents, blood and blood products, pathological waste, other medical wastes, and contaminated animal carcasses from hospitals or research laboratories.

"Contaminated sharps" means all discarded sharp items derived from patient care in medical, research, or industrial facilities including glass vials containing materials defined as infectious, suture needles, hypodermic needles, scalpel blades, and pasteur pipettes.

"Cultures and stocks of infectious agents" means specimen cultures collected from medical and pathological laboratories, intravenous tubing, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate or mix cultures.

"Human blood and blood products" means human serum, plasma, other blood components, bulk blood, or containerized blood in quantities greater than 20 milliliters.

"Other medical waste" means all discarded bandages, gauze, dressings, rubber gloves, swabs, and similar items derived from patient care in medical, research, or industrial facilities.

"Pathological waste" means human tissues and body parts that are removed during surgery or autopsy.

"Contaminated animal carcasses" means waste including carcasses, body parts and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

"Industrial process waste" means waste that is generated as the direct result of producing goods and commodities. It does not include office waste, cafeteria waste, or other types of waste that are not the direct result of production processes.

ITEM 3. Amend subrule 100.3(2) as follows:

~~100.3(2) Industrial sludge and toxic and hazardous waste disposal instructions~~ Special waste disposal instructions. Requests for special waste authorizations instructions for the disposal of ~~hazardous or toxic waste~~ special waste, as required by ~~102.14(2)~~ 102.15(2) shall be submitted to the sanitary landfill operator.

~~Administrative Support Station
Environmental Protection Division
Iowa Department of Natural Resources~~

Henry A. Wallace Building
900 East Grand
Des Moines, Iowa 50319

Further amend subrule 100.3(2) by amending paragraph "a" as follows:

a. Requests shall be made by submitting information substantially complying with Form 46 (542-3216) "Request for Special Waste Authorization" accompanied by supporting data as deemed necessary by the department sanitary landfill operator. In case of emergency, instructions may be obtained by telephone by calling (515)281-8692 the sanitary landfill operator. ~~In those limited circumstances when the waste is unused commercial product in the original container which has attached legible labels and there is a reasonable certainty that the label accurately represents the contents of the container the owner of this waste need only submit a Waste Disposal of Commercial Products Only form, Form 47 (542-3148).~~

ITEM 4. Amend rule 567-102.15(455B) by adding the following introductory paragraph:

The goal of the Special Waste Authorization Program is to ensure that all wastes are properly disposed of. Toxic and hazardous wastes, as defined in rule 567-100.2(455B, 455D), shall not be disposed of in a sanitary landfill in Iowa.

Amend subrule 102.15(2) as follows: (Also see alternatives on attachment.)

102.15(2) ~~Industrial sludge and toxic and hazardous waste.~~ Special waste. No ~~special sludge or toxic and hazardous waste~~ shall be delivered to nor disposed by a sanitary landfill unless explicit instructions are first obtained from the department sanitary landfill operator.

a. For procedure see ~~rule 100.3(2)~~ 567-100.3(2).
b. Prior to the issuance of any such instructions, the ~~department~~ sanitary landfill operator may require that a proposal for disposal of such waste in conformance with these rules, with supporting data as may be deemed necessary, be submitted by the originator of such waste for evaluation by the department. ~~The prohibition of such waste shall continue in effect until an acceptable procedure for processing or disposal has been developed and approved analytical testing supporting the characterization of the waste as nonhazardous. Analytical testing requirements include (1) characteristic of ignitability, (2) characteristic of corrositivity, (3) characteristic of reactivity, (4) Toxicity Characteristic Leaching Procedure (TCLP) for all Toxicity Characteristic (TC) analytes, (5) Paint Filter Liquids Test. Methods to be used for determining these characteristics are Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, November, 1986, Third Edition, U.S. EPA, SW-846 and additions thereto. The analytical results must be submitted along with the "Request for Special Waste Authorization" form, Form 46 (542-3216). The TC testing requirements may be altered if the sanitary landfill operator believes there is sufficient evidence supporting the absence of a constituent or constituents usually required by the TCLP. Material Safety Data Sheets may be used as supporting evidence if the waste constituents are clearly listed. The sanitary landfill operator may refuse any Material Safety Data Sheet which is not properly and sufficiently prepared.~~

c. All ~~toxic or hazardous waste or industrial sludge~~ special waste for which instructions have been received shall be disposed according to those instructions.

d. The sanitary landfill operator shall maintain any analytical test data submitted from a waste generator, completed Request for Special Waste Authorization forms, and original issued Special Waste Authorizations. These records shall be maintained on file at the landfill office. The appropriate Department of Natural Resources field office shall receive a copy of any Special Waste Authorizations issued by a sanitary landfill operator. The copy shall include the appropriate instructions for disposal as well as a copy of the original Special Waste Authorization. Semiannual reports summarizing the disposal for the reporting period shall be submitted for all specially authorized wastes received. The reporting periods shall be January 1 through June 30 and July 1 through December 31 each year. The reports shall include identification of the wastes and volumes authorized, the waste generator, the period of disposal, copies of disposal records, the date of disposal, and the horizontal and vertical location of all special wastes disposed at the site. The locations shall be tied to permanent site benchmarks and monuments. Petroleum contaminated soil quarterly testing results shall be submitted with semiannual special waste reports. If an authorized waste is not received, a statement to that effect shall be included in the semiannual special waste reports. Copies of this report shall be sent to both the main office and appropriate field office of the department.

e. Wastes may be disposed under a Special Waste Authorization if the waste is nonhazardous as determined by the following criteria:

(1) No TC (Toxicity Characteristic) analytes as determined using the TCLP (Toxicity Characteristic Leaching Procedure) over the following federally regulated levels:

Arsenic	5.0 mg/l
Barium	100.0 mg/l
Benzene	0.5 mg/l
Cadmium	1.0 mg/l
Carbon tetrachloride	0.5 mg/l
Chlordane	0.03 mg/l
Chlorobenzene	100.0 mg/l
Chloroform	6.0 mg/l
Chromium	5.0 mg/l
o-Cresol	200.0 mg/l
m-Cresol	200.0 mg/l
p-Cresol	200.0 mg/l
Cresol	200.0 mg/l
2,4-D	10.0 mg/l
1,4 Dichlorobenzene	7.5 mg/l
1,2 Dichloroethane	0.5 mg/l
1,1 Dichloroethylene	0.7 mg/l
2,4 Dinitrotoluene	0.13 mg/l
Endrin	0.02 mg/l
Heptachlor (and its hydroxide)	0.008 mg/l
Hexachlorobenzene	0.13 mg/l
Hexachloro-1,3-butadiene	0.5 mg/l

Hexachloroethane	3.0 mg/l
Lead	5.0 mg/l
Lindane	0.4 mg/l
Mercury	0.2 mg/l
Methoxychlor	10.0 mg/l
Methyl ethyl ketone	200.0 mg/l
Nitrobenzene	2.0 mg/l
Pentachlorophenol	100.0 mg/l
Pyridine	5.0 mg/l
Selenium	1.0 mg/l
Silver	5.0 mg/l
Tetrachloroethylene	0.7 mg/l
Toxaphene	0.5 mg/l
Trichloroethylene	0.5 mg/l
2,4,5-Trichlorophenol	400.0 mg/l
2,4,6-Trichlorophenol	2.0 mg/l
2,4,5-TP (Silvex)	1.0 mg/l
Vinyl chloride	0.2 mg/l

(2) Paint-related wastes require TCLP testing of an additional nine constituents. The additional nine regulatory limits are as follows:

Acetone	10.0 mg/l
Butyl alcohol	10.0 mg/l
Ethyl acetate	90.0 mg/l
Ethylbenzene	70.0 mg/l
Isobutanol	30.0 mg/l
Methylene chloride	0.5 mg/l
Styrene	20.0 mg/l
Toluene	100.0 mg/l
Xylene	1000.0 mg/l

(3) No free liquids as determined by the Paint Filter Liquids Test.

(4) pH of solid in 10% solution not less than or equal to 2 or greater than 12.5.

(5) Does not meet any of the federal Resource Conservation and Recovery Act criteria for listed or characteristic hazardous wastes.

f. Specific types of wastes requiring a Special Waste Authorization for disposal in a sanitary landfill.

(1) Industrial sludges: Analytical testing requirements include the Characteristic of Toxicity for all TC analytes, the Paint Filter Liquids Test, and pH. If solvents are used in the process which generates the sludge, the additional TC organics are required.

(2) Paint, stain, and varnish wastes (filters, overspray, sludges): Analytical testing requirements include the Paint Filter Liquids Test, Toxic Characteristic Leaching Procedure, pH, and the additional TCLP organics.

(3) Incinerator ash, fly ash, baghouse dust: Analytical testing requirements include the Toxic Characteristic Leaching Procedure.

(4) Sandblast waste: Analytical testing requirements include Toxic Characteristic Leaching Procedure and pH.

(5) Filtering medial: Analytical testing requirements include Toxic Characteristic Leaching Procedure and pH.

(6) Sharps: Must be sterilized and disposed of in a rigid container. No analytical testing required.

(7) Other infectious wastes (except contaminated sharps): If sterilized by autoclaving (steam sterilization) must be sterilized in a bag manufactured for stability during sterilization. The bag must have a special tape in the upper one-third portion that will have black or dark brown lines running through it showing that sterilization took place after the tape was applied to the bag. If incinerated, must be rendered nonrecognizable. Other methods of rendering infectious waste nonpathogenic will be considered on a case-by-case basis. Testing requirements for methods other than sterilization (autoclaving) and incineration would be the characteristics of toxicity and corrositivity. In addition to the submission of analytical data the generator of the infectious waste would be required to submit data to the sanitary landfill operator to show that the infectious waste is no longer pathogenic.

(8) Pharmaceuticals and biological products: Labels listing chemical composition must accompany Form 46.

(9) Industrial process waste: Analytical testing requirements include Toxic Characteristic Leaching Procedure, pH, and Paint Filter Liquids Test.

(10) PCB-contaminated wastes: Analytical testing requirements include PCB content. Wastes having levels of PCB contamination above the federal maximum contamination levels shall not be authorized for disposal.

(11) Captan-treated seed bags: There are no analytical testing requirements but special handling is required at the sanitary landfill. Captan-treated seed should be recycled through an ethanol plant.

(12) Pesticide-contaminated wastes containing less than 10 ppm total pesticides.

(13) Polynuclear Aromatic Hydrocarbon (PAH)-contaminated soil may be disposed if the Total PAH level is below 500 ppm for compounds: Acenaphthene, Acenaphthylene, Anthracene, Benzo(a)Anthracene, Benzo(a)Pyrene, Benzo(b)Fluoranthene, Benzo(g,h,i)Perylene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Fluoranthene, Fluorene, Indeno(1,2,3-cd)Pyrene, Napthalene, Phenanthrene, and Pyrene and the Total Carcinogenic PAH level is below 100 ppm for compounds: Benzo(a)Anthracene, Benzo(b)Pyrene, Benzo(b)Fluoranthene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Indeno(1,2,3-cd)Pyrene, Phenanthrene, and Pyrene. Methods to be used for determining these compounds are Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, November, 1986, Third Edition, U.S. EPA, SW-846 and additions thereto.

(14) Aflatoxin-contaminated wastes may be disposed at levels of 500 ppb or lower.

Date

Larry J. Wilson, Director

Alternatives
Proposed Special Waste Authorization Rules

Alternative # 1

102.15(2) No special waste shall be delivered to nor disposed by a sanitary landfill unless explicit instructions are first obtained from the sanitary landfill operator, except that infectious waste which is generated and treated at a medical clinic, doctor's office, nursing care facility, health care facility, dentist's office or other similar facility may be placed with regular municipal solid waste and not handled in a special way if it is rendered nonpathological, does not contain free liquids, and sharps are contained in a rigid container or are shredded or blunted. The generator of infectious waste that is not handled under a special waste authorization must notify the waste hauler and the sanitary landfill that infectious waste is being placed with regular municipal solid waste.

Alternative # 2

102.15(2) No special waste shall be delivered to nor disposed by a sanitary landfill unless explicit instructions are first obtained from the sanitary landfill operator, except that contaminated sharps and other medical waste which is generated and treated at a medical clinic, doctor's office, nursing care facility, health care facility, dentist's office or other similar facility may be placed with regular municipal solid waste and not handled in a special way if it is rendered nonpathological, does not contain free liquids, and sharps are contained in a rigid container or are shredded or blunted. The generator of contaminated sharps and other medical waste that is not handled under a special waste authorization must notify the waste hauler and the sanitary landfill that infectious waste is being placed with regular municipal solid waste.

Mr. Stokes gave a detailed explanation of the rules and asked the Commission to select one of the alternatives to go to public hearing.

Rozanne King asked what the difference was between the two alternatives.

Mr. Stokes explained that Alternative # 1 uses the term "infectious waste" and Alternative #2 uses the term "contaminated sharps and other medical waste." He related that "other medical wastes" is a more limited subset of items that could otherwise be considered to be infectious waste.

Discussion followed regarding concern with the transfer of wastes and individuals not being properly trained to handle it; making information available to waste handlers; enforcement problems; and which alternative the Commission would favor.

Motion was made by Margaret Prah! to approve Notice of Intended Action--Chapters 100 and 102, Special Waste Authorizations with the inclusion of Alternative #1. Seconded by William Ehm. Motion carried unanimously.

APPROVED WITH ALTERNATIVE #1

PROPOSED CONTESTED CASE DECISION--HARLAN AND ELAINE PRUESS

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On September 19, 1990, the department demanded payment of \$112,023.37 from Harlan Pruess, d/b/a Pruess Elevator, Inc., and on September 20, 1990, the department filed a lien on property owned by Harlan and Elaine Pruess; both actions were a result of the department's cleanup of aflatoxin contaminated corn on said property earlier that year. Those actions were appealed and the matter proceeded to administrative hearing on October 1, 1992. The Administrative Law Judge issued the attached Proposed Decision on February 18, 1993. The decision affirms the department's claim against Harlan Pruess, individually, affirms the lien in part and reverses it in part, and makes other rulings related to the issues raised.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Stokes reviewed the history of this case. He noted that the staff has some concern about the potential legal implications of this case and whether it would cause precedent problems for future cases. The primary concern being the finding that only costs from the date certain forward were eligible rather than costs incurred prior to that. He added that legal staff will review it to see if that is an appropriate finding and the department has not yet decided whether to appeal.

Margaret Prah! stated that she would prefer to let the parties who briefed and argued the case to appeal if they want, rather than the Commission to review it on their own motion.

William Ehm commented that he would prefer not to review it.

Discussion followed regarding amount of repayment and placing a lien on the property.

The Commission took no action; this has the effect of upholding the Administrative Law Judge's decision in the absence of an appeal.

ALJ DECISION UPHELD

DELL OIL CONTESTED CASE (TABLED)

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On December 20, 1991, the Department issued Administrative Order No. 91-HC-08 to Dell Oil, Ltd. That action required Dell Oil to submit a remedial action plan, to implement necessary remedial action at the site described therein, and to pay a penalty of \$1,000.00. That action was appealed by Dell Oil, Ltd. and the matter proceeded to administrative hearing on May 19, and June 2 and 3, 1992. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on September 30, 1992. The decision affirms the Order in part and reverses it in part.

Both parties have appealed this Order to the Commission. The Proposed Decision, the Notices of Appeal, and the written briefs of the parties have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

This item was discussed at the February meeting and tabled until this month's Commission meeting.

Motion was made by William Ehm to remove the Dell Oil Contested Case from the table. Seconded by Margaret Prah. Motion carried unanimously.

Mr. Murphy stated that he sensed at last month's meeting that the Commission would like to have this case worked out between the party and the department. He related that staff are working on an agreement with the party and would like to delay it for 30 days to work out details of the agreement.

Chairperson Hartsuck stated that he would like to hear the terms of the settlement since the Commission spent many hours reading materials and studying the case. He related that he would like to review the settlement with the idea of the Commission giving approval or disapproval.

Margaret Prah commented that she would like to keep the issue of settlement and the issue of appeal separate.

Motion was made by Rozanne King to table the Dell Oil Contested Case. Seconded by Clark Yeager. Motion carried unanimously.

TABLED

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

1. Henry County Sanitary Landfill - solid waste.
2. Don Grell (Ft. Dodge) - penalty collection.

Henry County Sanitary Landfill

Mr. Murphy requested that the Commission table the Henry County referral for 30 days.

Motion was made by Nancy Lee Siebenmann to table the Henry County Sanitary Landfill referral for 30 days. Seconded by Rozanne King. Motion carried unanimously.

TABLED FOR 30 DAYS

Don Grell

Mr. Murphy briefed the Commission on the history of this case involving open burning violations at a demolition business in Fort Dodge.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Margaret Prahl. Motion carried unanimously.

REFERRED

PROPOSED RULE--CHAPTER 1, SALES OF GOODS AND SERVICES

Larry Wilson, Director, presented the following item.

Attached is a proposed rule which has been prepared as a Notice of Intended Action for the Natural Resource Commission. Paragraph 1.11(6)"b" is designed to specifically address sales information provided by each NRC Commissioner. Using information each of you provide in response to my letter dated February 18, 1993, staff will be able to similarly fashion a class consent paragraph for the EPC. Assuming that you provide this information in the near future, I anticipate that a Notice of Intended Action can be prepared for your April meeting.

Amend 571--Chapter 1 by adding the following new rule:

571--1.11(68B) Sales of goods and services.

1.11(1) Prohibition. An official shall not sell, either directly or indirectly, any goods or services to individuals, associations, or corporations subject to the regulatory authority of the department unless the department consents as provided in these rules.

1.11(2) Definitions.

"Association" means any profit or nonprofit entity that is not a "corporation" or an "individual" as defined in this rule, but does not include any "unit of government" as defined in this rule.

"Commission" means the natural resource commission.

"Corporation" means "corporation" and "foreign corporation" as defined in Iowa Code sections 490.140 and 504A.2, but does not include any "unit of government" as defined in this rule.

"Department" means the department of natural resources.

"Goods" means personal property, tangible and intangible.

"Individual" means a human being and includes any individual doing business as a sole proprietorship.

"Official" means a member of the natural resource commission.

"Sale" or "Sell" means the process in which goods or services are provided in exchange for money or other valuable consideration. The term does not include purchases of goods or services, nor outside employment activities that constitute an employer-employee relationship.

"Services" means action, conduct or performance which furthers some end or purpose or which assists or benefits someone or something.

"Unit of government" means "United States," "state" and "governmental subdivision" as defined in Iowa Code section 490.140.

1.11(3) Application for consent. An application for consent must be signed by the official requesting consent and submitted as specified in subrule 1.11(4). The application must provide a clear statement of all relevant facts concerning the sale, specify the amount of compensation and how compensation is to be determined, and indicate the time period or number of transactions for which consent is requested. The application must also explain why the sale would not create a conflict of interest or provide financial gain by virtue of the applicant's position within the department.

1.11(4) Consent procedure. Applications for consent must be submitted to the director who will schedule the matter as an informational item at a meeting of the commission. When the informational item is considered, the applicant may explain the application and entertain questions. The director shall schedule the matter to be decided at the second meeting following its consideration as an informational item, at which time the commission shall consider written comments which have been filed with the director and entertain any oral comments. The commission shall approve or deny the application by voting in the same manner as it determines other matters, except that the applicant shall not vote.

1.11(5) General conditions of consent. Consent shall not be given to an official unless all of the following conditions is met:

a. This condition is satisfied if either of the following paragraphs is met:

(1) The duties or functions performed by the official are not related to the regulatory authority of the department over the individual, association or corporation; or

(2) The duties or functions performed by the official are not affected by the selling of goods or services to the individual, association or corporation.

b. The selling of the goods or services by the official does not include acting as an advocate to the department on behalf of the individual, association or corporation receiving the goods or services.

c. The selling of goods or services does not result in the official selling a good or service to the department on behalf of the individual, association or corporation.

1.11(6) Class prohibitions and consent.

a. The commission concludes that the sales of goods and services described in this paragraph, as a class, constitute the sale of a good or service which affects an official's functions. The department will not consent to sales which fall within the following categories unless there are unique facts surrounding a particular sale which clearly satisfy the conditions listed in subrule 1.11(5).

Sales which are prohibited by rule:

1. Sales of department information or the sale of services necessary to gather department information, including but not limited to solicitation lists.

2. Services utilized in the preparation of applications, reports, or other documents which may be approved or reviewed by the commission.

b. The commission concludes that sales of goods or services described in this paragraph do not, as a class, constitute the sale of a good or service which affects an official's functions. Application and department approval are not required for these sales unless there are unique facts surrounding a particular sale which would cause that sale to affect the official's duties or functions, would give the buyer an advantage in its dealings with the department, or otherwise present a conflict of interest.

Sales for which consent is granted by rule:

1. Nonrecurring sales of goods and services if the official is not engaged for profit in the business of selling those goods or services.

2. Sale of farm products at market prices to a buyer ordinarily engaged in the business of purchasing farm products.

3. Sales of goods to general public at an established retail or consignment shop.

4. Sale of legal, mechanical, or other services at market or customary prices. However, if an official's client or customer has a matter for decision before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained pursuant to subrules 1.11(3) and 1.11(4).

5. Sale of goods at wholesale prices to a buyer ordinarily engaged in the business of purchasing wholesale goods for retail sale.

6. Sale of creative works of art, including but not limited to sculpture and literary products, at market, auction, or negotiated prices. However, if an official's customer has a matter for decision, directly or indirectly involving that good, before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained pursuant to subrules 1.11(3) and 1.11(4).

1.11(7) Effect of consent. The consent must be in writing. The consent is valid only for the activities and period described in it and only to the extent that material facts have been disclosed and the actual facts are consistent with those described in the application. Consent can be revoked at any time by written notice to the official.

1.11(8) Public information. The application and consent are public records, open for public examination, except to the extent that disclosure of details would constitute a clearly unwarranted invasion of personal privacy or trade secrets and the record is exempt from disclosure under Iowa law.

1.11(9) Effect of other laws. Neither this rule nor any consent provided under it constitutes consent for any activity which would constitute a conflict of interest at common law or which violates any applicable statute or rule. Despite department consent under these rules, a sale of goods or

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services to someone subject to the jurisdiction of the agency may violate the gift law, bribery and corruption laws, etc. It is the responsibility of the official to ensure compliance with all applicable laws and to avoid both impropriety and the appearance of impropriety.

Larry J. Wilson, Director

Date

Director Wilson stated that he would like the Commission to review the proposed rules and get their comments to him. He shared information from the Attorney General's Office with concern about the original draft rules. Director Wilson noted that these rules were presented to the NRC at their March meeting and they approved the Notice of Intended Action to go out to public hearing. He stated that it is required by Code that each individual identify any potential conflict of interest situations and take action by offering statements or disclaimers to that effect.

Mr. Murphy stated that some of the concern expressed earlier relating to partnerships or corporate interests were taken care of as a result of legislation. He asked the Commission to submit their statements so their situations can be included in the rule.

Discussion followed regarding what specifically needs to be listed in the Commissioners statements. Staff distributed examples of statements drawn up by the NRC Commissioners.

Director Wilson reiterated the need for the Commissioners to get their comments to him prior to the April Commission meeting.

INFORMATIONAL ONLY

APPOINTMENT TO MISSISSIPPI RIVER PARKWAY COMMISSION - ADVISORY COMMITTEE

Iowa Code Chapter 308 creates the Mississippi River Parkway Commission. Iowa Code 308.1 defines the membership of that commission. A member of the Environmental Protection Commission is one of seven advisory ex officio members also named in this code section. At the March meeting, the commission should formally designate a member to serve on the Parkway Commission.

Director Wilson explained that Chapter 308, Code of Iowa, establishes the Mississippi River Parkway Commission (MRPC) and designates that seven ex-officio members from various commissions shall serve along with ten members appointed by the Governor. The EPC is one of the commissions to designate a representative to the advisory committee and need to decide who that person will be. Mr. Wilson added that the Commission meets 3-4 times a year and expenses may be reimbursed if the MRPC has funds available.

Discussion followed and consensus of the Commission was for Charlotte Mohr to serve as the EPC ex-officio member of this advisory committee.

Motion was made by Clark Yeager for Charlotte Mohr to serve as the EPC designee to the Mississippi River Parkway Commission Advisory Committee. Seconded by William Ehm. Motion carried unanimously.

CHARLOTTE MOHR DESIGNEE TO MRPC

GENERAL DISCUSSION

1) Ralph Newman

Chairperson Hartsuck requested that more background be given in regards to the public comment given by Ralph Newman earlier today.

Director Wilson stated that the Washington Field Office encountered a problem with Mr. Newman and it involved some threats by Mr. Newman. He added that he has never talked to Mr. Newman and has never received any correspondence from him.

Mr. Stokes stated that Mr. Newman has been sent numerous communications, but if it is not what he wants to hear he classifies it as rhetoric and that he cannot get a straight answer.

Charlotte Mohr asked if the department has communicated with the Board of Health in Wapello County to let them know that it is in their jurisdiction.

Mr. Stokes stated that the department has communicated with all of the appropriate county officials in this matter.

Clark Yeager displayed a map of the area Mr. Newman farms and noted it is an extremely flat area. He related that this is a matter of a constant feud between neighbors that has been going on for 20 years.

Following a lengthy discussion, the consensus of the Commission was for Chairperson Hartsuck to write Mr. Newman a letter explaining that the Commission discussed his concerns and they are not under the jurisdiction of the department, and to refer him to the County Health Department.

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2) Ottumwa Alternate Water Supply

In response to an earlier inquiry by Commissioner Yeager, Mr. Stokes reported that Ottumwa switched to an alternate water source several times in the last 3-4 months. They do so when nitrate levels are up or if they have taste and odor problems. They did switch to an alternate source when the oil spill occurred recently.

3) CHEEC

Nancy Lee Siebenmann announced that CHEEC is sponsoring a seminar on Ozone and Ultraviolet Radiation - The Implication of Trends on UBB Exposure. The seminar will be held at 1:30 p.m. tomorrow at the University of Iowa and is open to the public.

LEGISLATION UPDATE

Don Paulin, Deputy Director, presented the following list of legislative bills and noted that the bills shown in bold and italics are new items since last month.

DESCRIPTION	BILL #	COM #1	COM #2	FIRST VOTE	2 ND VOTE	AMEND ON FLR?	COMMENTS	GOV'NR ACTION
Clandestine lab cleanup by DPS	H419	3-10						
<i>Coal ash OK to deposit in strip mines (St. Hansen)</i>	H292							
Code editors, non substantive	H112?							
Constitution Amendm F & G Trust	S75 HJR3	3-10		48-1			error in wording <i>may</i> cause this to 'lose a year'	
	SJR2			46-3				
CORPS of E. stop re-org (Millage) (S-Tinsman)	HCR11 SCR11							
<i>Deminozide (ALAR) ban is repealed (Tyrrell)</i>	H223							
Drugs near parks, schools (Brauns)	H64							
Employee appointees may attend meetings (Lundby)	H178							
Energy, alternative production facilities	HSB245							
Energy conserv trust was HSB30	H137	yes		96-1				
	SF74	2-3		48-0				

shading indicates a
Governors bill
Italics indicate
newly added
bills

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BILLS of INTEREST

DESCRIPTION	BILL #	COM #1	COM #2	FIRST VOTE	2ND VOTE	AMEND ON FLR?	COMMENTS	GOV'NRS ACTION
Energy customer contribution fund limit (Rod Halvorson)	H450 (H75)	3-9						
Energy, WIND: sales & prop. tax exempt (VandeHoef)	H190 HSB141							
Envelopes, windows prohibited (Fallon)	H37							
Environmental Protection Fund	HSB178							
	SSB197							
Environ. spillers must publicize (Fallon)	H197							
Ethanol stickers not on some vehicles ..(Cohoon)	H88	yes		97-0			also H290, (St. Hansen)	
Ethanol support to Congress, etc.	HJR5	yes		94-1				to him
Ethics revisions	HSB31 H144			46-0				
Federal block grant								
Fire Equipmt (townships) accounts (Bell)	SSB59 H468							
Agri enterprise zones, nuisance suits	HSB96							
	S11	YES		38-6				
Air Quality correction to retain delegation of authority	H331	YES					General permits, set standards, etc.	
	SSB135							
All-terrain vehicle, from 700# to 1000# (Hahn)	H270						Will allow amphibious vehicles	
Annexation of sanitary district (Bartz)							Compensation to sanitary district	
	S17							
Bicycle regist, fee \$2 to \$10-to trail fund (Jensen)								
	S109 HF6							
Biodiversity, by SPAB DNR do 15 species to GA per yr (Osterberg)								
Blufflands protection, and a rev. fund (Osterberg)	H235							
Bottle bill include all aluminum cans (Brunkhorst)	H229							
	H123							
Bottle bill changes, all but carton milk (Lundby)	S265	3-10					Now includes from 1 cent to two	
Bottle Bill expand def & flattened cans	HSB120							

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DESCRIPTION	BILL #	COM #1	COM #2	FIRST VOTE	2 ND VOTE	AMEND ON FLR?	COMMENTS	GOV'NR ACTION
Bottle Bill from 1 to 2 cents to dlr-centers (Schrader) (S-Sturgeon)	H189 S198							
Brushy Creek, bans horses in preserve (Brand)	H478							
THERE HAVE BEEN 519 HOUSE BILLS, 290 SENATE AND ABOUT 500 STUDY BILLS INTRODUCED THIS YEAR.								
Budget, biennial	HSB52						also H412 (Churchill)	
Budget, GAAP deficit, prop. tax, low income	HSB14							
Budget,	SF81	yes		43-7				
Budget DNR solid waste fees elim diff tween res & commercial	SS857 HSB53 S			48-1				
Chemical emergency fund fees on 'tier 2' (Rosenberg)	S82						Training, local planning, etc. 60% of fees to locals	
Forerstry federal dollars, may receive	H387	YES		YES				
		YES		45-0				
Game, fish bag limits (Black)	H438							
Game, fish or protec. species fines (Black)	H248							
Game, fish fines (Black)	H255							
Game, taking while lic is suspended (Black)	H439	x	x	x	x	x	x	x
Ginseng harvest penalties (Da..Hanson)	H89	yes		100-0				
Ginseng Harvesting penalties & season opening	H89 SSB128						open on 3-1, current is 15th	
Geese hunting hours (Gronstal)	S84						also S73 (McLaren)	
Handicap parking, etc., for state govt.	HSB2							
Hazard. condit, liability exemptions	SS936							

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Environmental Protection Commission Minutes

March 1993

DESCRIPTION	BILL #	COM #1	COM #2	FIRST VOTE	2 ND VOTE	AMEND ON FLR?	COMMENTS	GOV'NRS ACTION
<i>Hazard material on barges, fees (Rosenberg)</i>							<i>Also see S208</i>	
<i>Hunting, coyotes, use mobile transmitters</i>	S193 S157	yes					<i>Was SSB142..... also H297 (Schroder Also see Wildlife)</i>	
<i>Hunting, coyotes</i>	S139							
<i>Hunting on state lands, private covenants (Connolly)</i>	S207						<i>Mines of Spain effort</i>	
<i>Implied consent boats, (McNeal)</i>	H230	YES						
<i>Implied Consent, DNR bill</i>	HSB29 SSB79	N R Judic						
<i>Implied consent, and other OWI's omnibus -- (Meyer)</i>	H25 SSB21						<i>Governor's...see DNR's, HSB29</i>	
<i>Implied consent, general (Garman)</i>	H86							
<i>Infectious waste moratorium</i>	S290						<i>rules delay to 1-15-94, plus</i>	
<i>Moratorium ext. on infectious waste, etc, 'til rules on air (Henderson)</i>	H127 SSB116							
<i>Inerts registration, all active and inert regis. (Fallon)</i>	H38						<i>and list any adverse reactions possible</i>	
<i>Landfills--not dispose of polysty pk(Fallon)</i>	H69							
<i>Lawn chemical, govt not use (Fallon)</i>	H74							
<i>Law enforce. not carry weapon where alcohol served</i>	SSB182							
<i>Law Enf offic. hearing impairment OK (St. Hensen)</i>	H221 HJR13							
<i>Lead abatement</i>	SSB185							
<i>Lead inspector, train and certify (Berneau)</i>	H179							
<i>LUST, property tax exemptions (Daggett)</i>	H469							
<i>Licenses D.A.V.free lifetime H& F (Fallon)</i>	H150							

E93Mar-115

March 1993

Environmental Protection Commission Minutes

DESCRIPTION	BILL #	COM #1	COM #1	FIRST VOTE	2 ND VOTE	AMEND ON FLR	COMMENTS	GOV'NR S ACTION
<i>Licenses for non-resident kids of residents (Boaman)</i>	H267							
<i>Licenses, Hunt, fish, trap, not need have in possession (Dickinson)</i>	H265							
<i>Licenses for 65+, disabled (Do. Hansen)</i>	H313							
Licenses by subscription (Varn)	S6							
<i>Littering penalties, increase (Lind)</i>	SXXX							
<i>Loess Hills Development authority (Houser)</i>	H214							
LP Gas containers filling over 20 gal	H360 SSB66	yes						
Mandates by state	H234	yes						
Minnow transport outside Iowa for personal use OK	H342 SSB126	yes					This is a clean-up of our aquaculture bill of last year	
Motor fuel lead ban (Fallon)	H78							
Neglected animals	SSB70							
Non Game species protection	H346 S242	3-2 3-8		97-0				
Open meetings expansion	HSB47							
Packaging reduction	HSB94							
<i>Packaging, and ban on Polystyrene (Murphy)</i>	S230							
Pesticide signs, increase- 8"x11 1/2" (Fallon)	H130							
Pesticide applicators certification (Fogarty)	H167 SSB137							
Petroleum O'Charge and cons trust	HSB57							
Private property rights (Mertz)	SSB62 H350							

from 3 year exam to 2 hours cont. educ . yr.

Environmental Protection Commission Minutes

March 1993

DESCRIPTION	BILL #	COM #1	COM #1	FIRST VOTE	2 ND VOTE	AMEND ON FLR	COMMENTS	GOV'NR S ACTION
Purple Martin capitol, COUNCIL BLUFFS	SCR5	YES		28-17				
Purple Martin Capitol SHELBY (Hester)	SCR1							
Rail ties creosoted, are Haz Waste (Da. Hanson)	H61							
Recycling, waste volume reduction-curbside collection (Shouitz)	H511							
Re-cy equipt prop tax exemption								
Re-cy @ Capitol Building (Martin)	H306							
Re-cy procurement by Local Govt							included with aptartment re-cy, below	
Re-cy income tax credit (Pate)	S112							
Re-cy: apts. and other buildings -space	HSB121							
	SSB134							
Rules-must furnish info to individuals	S121	yes		47-0				
Rules-Depts purchase for law library	HSB5							
Rural Water agreements (Rensink)	S123							
Rural Water draw Fed \$ (VandeHoef)	H133							
(Rensink)	S71							
Sales tax exemption, forest or conservation	H236							
Sanitary Disposal grants deducted	SSB129							
Snowmobile; flag not necessary (May)	H165						On public road or street	
Stormwater technical correction								
State land-water rule violations	HSB126						clarification that rules also apply	
	SSB124							
State Fair approp..								
Stream protection (Fallon)	SF37							
	HF53						Cannot till, spray, feedlot. 300' top of bank of 16 1/2. DNR notify owners.	

E93Mar-117

March 1993

Environmental Protection Commission Minutes

DESCRIPTION	BILL #	COM #1	COM #2	FIRST VOTE	2ND VOTE	AMEND ON FLR?	COMMENTS	GOV'NRS ACTION
Stream and lake protection, 50'	HSB133						meandered & sovereign only. No till, feed, spray	
	SSB148							
Sunset of trust funds, MFT, etc. extnd indef.	HSB60						Governors bill	
	SSB63							
Tire rubber in asphalt paving (Kersten)	S30						If fed \$ used. 5% '94 to 20%, '97	
Trapping ban, roads and fences (Murphy)	S104						R.O.W.. 5' from fences, incl private w/o permission	
Trapping; ban on conibears (Kibbie)	S162							
Tree, shrub tax exemption (Ert) (Zieman)	H							
	S169							
Transfer of funds between state depts. (Priebe)	S199							
Utility audits (Osterberg)	H4							
	SSB58							
Volunteer liability immunity (Borlaug)	SF34							
Trust funds stay in GF 2 more years	H300							
W.R.A. P. replace fed funding	HSB118							
	SSB131							
Waste disposal, nuclear, banned (Judge)	SCR14							
Waste exchange newsletter (Fallon)	H132							
Waste oil disposal, all who sell must take	HSB110							
	SSB132							
Wastewater trtmnt effluent limits	SSB133							
Wastewater; elimin. 10 year moratorium	HSB115							
Weapons permttees, Alcohol; no consume or be intox.	HSB186							
	SSB112							
Wildlife damage DALS management	SSB88						\$100K, \$10 coyote bounty, allows aircraft	
	SSB105							
revised 3-12-93								
Border indicates a DNR bill								

E93Mar-118

Mr. Paulin reviewed the status of each bill for the Commission. He noted that 800 bills along with 500 study bills have been introduced so far this year. The department is following approximately 200 of those bills. A lengthy discussion took place throughout the presentation regarding various issues of the bills.

Following discussion of a bill relating to the use of recycled products, Angela Corio, Landscape Artist with the Parks and Preserves Division, displayed samples of playground surfacing made from recycled tires. Also shown were samples of recycled plastics used in making imitation wood, picnic tables, park benches, and railroad ties for landscaping.

Mike Carrier, Division Administrator, Parks and Preserves Division reported that picnic tables and benches made from recycled plastic were used in an experimental capacity in some of the state parks this past year. He related that they experienced some blistering and fading. Staff will continue to work with the company to identify problems and help improve the product.

INFORMATIONAL ONLY

ADDRESS ITEMS FOR NEXT MEETING

- Clean Air Act update on EPA and State accomplishments to date
- Clark Yeager asked if above-ground storage tank owners who pay into the tank insurance fund are covered by the fund. Allan Stokes noted that he will give a report on this next month.
- Public water supply costs to implement rules (Ch. 42-43)

NEXT MEETING DATES

The next meeting will be held on Monday, April 19, at the State Forest Nursery in Ames, and a tour of a conservation/energy project will take place on Tuesday, April 20.

April 19-20, 1993

May 17, 1993

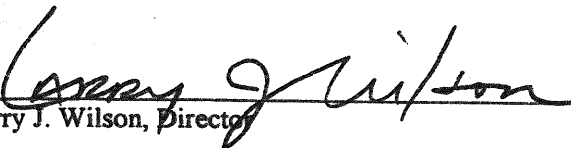
June 21, 1993

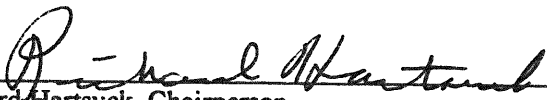
ADJOURNMENT

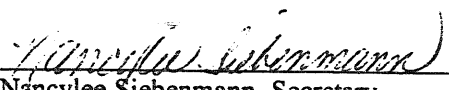
With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 3:40 p.m., Monday, March 15, 1993.

March 1993

Environmental Protection Commission Minutes


Larry J. Wilson, Director


Richard Hartsuck, Chairperson


Nancy Lee Siebenmann, Secretary

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RECORD COPY *EPC Meeting*
File Name *ADA-1-1-1 March 1993*
MEETING AGENDA *Initials*
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
March 15, 1993

Meeting convenes at 10:00 a.m., Monday, March 15, 1993, in the fourth floor conference room.

Public Participation

10:30 a.m.

APPOINTMENTS:

Mr. & Mrs. Ralph Newman
Dell Oil Contested Case (Item #18)

11:00 a.m.
1:30 p.m.

1. Approve Agenda.
2. Approve Minutes of February 15, 1993.
3. Director's Report. (Wilson) Information.
4. Financial Status Report. (Kuhn) Information.
5. Section 319 Contracts Approval. (Kuhn) Decision.
6. Toxic Cleanup Days Contracts. (Kuhn) Decision.
7. By-product and Waste Search Service (BAWSS) Contract Approval. (Kuhn) Decision.
8. Landfill Alternative Grant Awards. (Hay) Information.
9. Application and Guidance of Grant Program for Regional Collection Centers. (Hay) Information.
10. Monthly Reports. (Stokes) Information.
11. Emergency Rule--Chapter 82, Well Contractor Certification. (Stokes) Decision.
12. State Revolving Fund - Intended Use Plan, FY 1993. (Stokes) Decision.
13. Final Rule--Chapter 42, Water Supply Lab Certification. (Stokes) Decision.
14. Proposed Rule--Chapters 42-43, Water Supply Rules. (Stokes) Information.

EPC Agenda - Page 2

- 15. Notice of Intended Action--Chapter 121, Petroleum Contaminated Soils. (Stokes) Decision.**
- 16. Notice of Intended Action--Chapters 119 and 143, Rescind Rules on Waste Oil for Road Oiling. (Stokes) Decision.**
- 17. Notice of Intended Action--Chapters 100 and 102, Special Waste Authorizations. (Stokes) Decision.**
- 18. Dell Oil Contested Case. (Stokes) Decision.**
- 19. Proposed Contested Case Decision--Harlan and Elaine Pruess. (Stokes) Decision.**
- 20. Referrals to the Attorney General. (Stokes) Decision.**
 - (a) Henry County Sanitary Landfill**
 - (b) Don Grell (Ft. Dodge)**
- 21. Proposed Rule--Chapter 1, Sales of Goods and Services. (Wilson) Information.**
- 22. Appointment to Mississippi River Parkway Commission - Advisory Committee. (Wilson) Decision.**
- 23. General Discussion.**
- 24. Address Items for Next Meeting.**

NEXT MEETINGS:

April 19, 1993

May 17, 1993

June 21, 1993

ENVIRONMENTAL PROTECTION COMMISSION

Monday, March 15, 1993

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Perry Bremer	D.m. Register	D.m.
Amy Christensen Couch	Sullivan & Ward	DM
THOMAS CLARK	City of Ottumwa	Ottumwa
DAN VEST	GROWMARK, IN	Bloomington, IL
Rick Kelley	UHL	DM
Hillary Maurer	Well Contractors Council	Jones City
Pam Healy	Northern Normal Sch	DSH
Scott Young	Nyemaster	DM
Jane McAllister	Ahlers Law Firm	DSH
CHRISTINA GAULT	FARM BUREAU	WDSM
Ralph Nowmper	Self + wife	Wapello County
PETE DUFFY	ISO SWO	Mendalltown